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Referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and the Budget 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

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domestic Minor Sex
3 Trafficking Deterrence and Victims Support Act of
4 2010”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

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

12 (2) In the United States, human trafficking is
13 an increasing problem. This criminal enterprise vic-
14 timizes individuals in the United States, many of
15 them children, who are forced into prostitution, and
16 foreigners brought into the country, often under
17 false pretenses, who are coerced into forced labor or
18 commercial sexual exploitation.

19 (3) Sex trafficking is one of the most lucrative
20 areas of human trafficking. Criminal gang members
21 in the United States are increasingly involved in re-
22 cruiting young women and girls into sex trafficking.
23 Interviews with gang members indicate that the
24 gang members regard working as an individual who
25 solicits customers for a prostitute (commonly known
26 as a “pimp”) to being as lucrative as trafficking in

1 drugs, but with a much lower chance of being crimi-
2 nally convicted.

3 (4) 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 (5) 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 (6) Experts estimate that each year at least
18 100,000 children in the United States are exploited
19 through prostitution.

20 (7) Children who have run away from home are
21 at a high risk of becoming exploited through sex
22 trafficking. Children who have run away multiple
23 times are at much higher risk of not returning home
24 and of engaging in prostitution.

1 (8) The vast majority of children involved in sex
2 trafficking have suffered previous sexual or physical
3 abuse, live in poverty, or have no stable home or
4 family life. These children require a comprehensive
5 framework of specialized treatment and mental
6 health counseling that addresses post-traumatic
7 stress, depression, and sexual exploitation.

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

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

21 (11) Human trafficking is a criminal enterprise
22 that imposes significant costs on the economy of the
23 United States. Government and non-profit resources
24 used to address trafficking include those of law en-
25 forcement, the judicial and penal systems, and social

1 service providers. Without a range of appropriate
2 treatments to help trafficking victims overcome the
3 trauma they have experienced, victims will continue
4 to be exploited by criminals and unable to support
5 themselves, and will continue to require Government
6 resources, rather than being productive contributors
7 to the legitimate economy.

8 (12) Human trafficking victims are often either
9 not identified as trafficking victims or are
10 mischaracterized as criminal offenders. Both private
11 and public sector personnel play a significant role in
12 identifying trafficking victims and potential victims,
13 such as runaways. Examples of such personnel in-
14 clude hotel staff, flight attendants, health care pro-
15 viders, educators, and parks and recreation per-
16 sonnel. Efforts to train these individuals can bolster
17 law enforcement efforts to reduce human trafficking.

18 (13) Minor sex trafficking victims are under the
19 age of 18. Because minors do not have the capacity
20 to consent to their own commercial sexual exploi-
21 tation, minor sex trafficking victims should not be
22 charged as criminal defendants. Instead, minor vic-
23 tims of sex trafficking should have access to treat-
24 ment and services to help them recover from their
25 sexual exploitation, and should also be provided ac-

cess to appropriate compensation for harm they have suffered.

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

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

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

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

5 (B) the database is programmed to cross-
6 reference newly entered reports with historical
7 records already in the database; and

8 (C) the database is programmed to include
9 a visual cue on the record of a child designated
10 as an endangered juvenile to assist law enforce-
11 ment officers in recognizing the child and pro-
12 viding the child with appropriate care and serv-
13 ices;

14 (2) funds awarded under subpart 1 of part E
15 of title I of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
17 monly known as Byrne Grants) should be used to
18 provide education, training, deterrence, and preven-
19 tion programs relating to sex trafficking of minors;

20 (3) States should—

21 (A) treat minor victims of sex trafficking
22 as crime victims rather than as criminal defend-
23 ants or juvenile delinquents;

24 (B) adopt laws that—

1 (i) establish the presumption that a
2 child under the age of 18 who is charged
3 with a prostitution offense is a minor vic-
4 tim of sex trafficking;

5 (ii) avoid the criminal charge of pros-
6 titution for such a child, and instead con-
7 sider such a child a victim of crime and
8 provide the child with appropriate services
9 and treatment; and

10 (iii) strengthen criminal provisions
11 prohibiting the purchasing of commercial
12 sex acts, especially with minors;

13 (C) amend State statutes and regula-
14 tions—

15 (i) relating to crime victim compensa-
16 tion to make eligible for such compensation
17 any individual who is a victim of sex traf-
18 ficking as defined in section 1591(a) of
19 title 18, United States Code, or a com-
20 parable State law against commercial sex-
21 ual exploitation of children, and who would
22 otherwise be ineligible for such compensa-
23 tion due to participation in prostitution ac-
24 tivities because the individual is deter-
25 mined to have contributed to, consented to,

benefitted from, or otherwise participated
as a party to the crime for which the indi-
vidual is claiming injury; and

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

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

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

(a) IN GENERAL.—Section 204 of the Trafficking
Victims Protection Reauthorization Act of 2005 (42
U.S.C. 14044c) is amended to read as follows:

**“SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO
COMBAT TRAFFICKING IN PERSONS.**

“(a) SEX TRAFFICKING BLOCK GRANTS.—

“(1) DEFINITIONS.—In this section—

“(A) the term ‘Assistant Attorney General’
means the Assistant Attorney General for the
Office of Justice Programs of the Department
of Justice;

1 “(B) the term ‘eligible entity’ means a
2 State or unit of local government that—

3 “(i) has significant criminal activity
4 involving sex trafficking of minors;

5 “(ii) has demonstrated cooperation be-
6 tween State, local, and, where applicable,
7 tribal law enforcement agencies, prosecu-
8 tors, and social service providers in ad-
9 dressing sex trafficking of minors;

10 “(iii) has developed a workable, multi-
11 disciplinary plan to combat sex trafficking
12 of minors, including—

13 “(I) the establishment of a shel-
14 ter for minor victims of sex traf-
15 ficking, through existing or new facili-
16 ties;

17 “(II) the provision of rehabilita-
18 tive care to minor victims of sex traf-
19 ficking;

20 “(III) the provision of specialized
21 training for law enforcement officers
22 and social service providers for all
23 forms of sex trafficking, with a focus
24 on sex trafficking of minors;

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

4 “(V) cooperation or referral
5 agreements with organizations pro-
6 viding outreach or other related serv-
7 ices to runaway and homeless youth;
8 and

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

16 “(iv) provides an assurance that,
17 under the plan under clause (iii), a minor
18 victim of sex trafficking shall not be re-
19 quired to collaborate with law enforcement
20 to have access to any shelter or services
21 provided with a grant under this section;

22 “(C) the term ‘minor victim of sex traf-
23 ficking’ means an individual who is—

24 “(i) under the age of 18 years old,
25 and is a victim of an offense described in

1 section 1591(a) of title 18, United States
2 Code, or a comparable State law; or

3 “(ii) at least 18 years old but not
4 more than 20 years old, and who, on the
5 day before the individual attained 18 years
6 of age, was described in clause (i) and was
7 receiving shelter or services as a minor vic-
8 tim of sex trafficking;

9 “(D) the term ‘qualified non-governmental
10 organization’ means an organization that—

11 “(i) is not a State or unit of local gov-
12 ernment, or an agency of a State or unit
13 of local government;

14 “(ii) has demonstrated experience pro-
15 viding services to victims of sex trafficking
16 or related populations (such as runaway
17 and homeless youth), or employs staff spe-
18 cialized in the treatment of sex trafficking
19 victims; and

20 “(iii) demonstrates a plan to sustain
21 the provision of services beyond the period
22 of a grant awarded under this section; and

23 “(E) the term ‘sex trafficking of a minor’
24 means an offense described in subsection (a) of

1 section 1591 of title 18, United States Code,
2 the victim of which is a minor.

3 “(2) GRANTS AUTHORIZED.—

4 “(A) IN GENERAL.—The Assistant Attor-
5 ney General, in consultation with the Assistant
6 Secretary for Children and Families of the De-
7 partment of Health and Human Services, is au-
8 thorized to award block grants to 6 eligible en-
9 tities in different regions of the United States
10 to combat sex trafficking, and not fewer than 1
11 of the block grants shall be awarded to an eligi-
12 ble entity with a State population of less than
13 5,000,000. Each eligible entity awarded a block
14 grant under this subparagraph shall certify that
15 Federal funds received under the block grant
16 will be used to combat only interstate sex traf-
17 ficking.

18 “(B) GRANT AMOUNT.—Subject to the
19 availability of appropriations under subsection
20 (g) to carry out this section, each grant award-
21 ed under this section shall be for an amount
22 not less than \$2,000,000 and not greater than
23 \$2,500,000.

24 “(C) DURATION.—

1 “(i) IN GENERAL.—A grant awarded
2 under this section shall be for a period of
3 1 year.

4 “(ii) RENEWAL.—

5 “(I) IN GENERAL.—The Assist-
6 ant Attorney General may renew a
7 grant under this section for two 1-
8 year periods.

9 “(II) PRIORITY.—In awarding
10 grants in any fiscal year after the
11 first fiscal year in which grants are
12 awarded under this section, the As-
13 sistant Attorney General shall give
14 priority to applicants that received a
15 grant in the preceding fiscal year and
16 are eligible for renewal under this
17 subparagraph, taking into account
18 any evaluation of such applicant con-
19 ducted pursuant to paragraph (5), if
20 available.

21 “(D) CONSULTATION.—In carrying out
22 this section, consultation by the Assistant At-
23 torney General with the Assistant Secretary for
24 Children and Families of the Department of
25 Health and Human Services shall include con-

1 sultation with respect to grantee evaluations,
2 the avoidance of unintentional duplication of
3 grants, and any other areas of shared concern.

4 “(3) USE OF FUNDS.—

5 “(A) ALLOCATION.—For each grant
6 awarded under paragraph (2)—

7 “(i) not less than 67 percent of the
8 funds shall be used by the eligible entity to
9 provide shelter and services (as described
10 in clauses (i) through (iv) of subparagraph
11 (B)) to minor victims of sex trafficking
12 through qualified nongovernmental organi-
13 zations; and

14 “(ii) not less than 10 percent of the
15 funds shall be awarded by the eligible enti-
16 ty to one or more qualified nongovern-
17 mental organizations with annual revenues
18 of less than \$750,000, to provide services
19 to minor victims of sex trafficking or train-
20 ing for service providers related to sex traf-
21 ficking of minors.

22 “(B) AUTHORIZED ACTIVITIES.—Grants
23 awarded pursuant to paragraph (2) may be
24 used for—

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

4 “(ii) providing 24-hour emergency so-
5 cial services response for minor victims of
6 sex trafficking;

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

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

13 “(v) mental health counseling for
14 minor victims of sex trafficking, including
15 specialized counseling and substance abuse
16 treatment;

17 “(vi) legal services for minor victims
18 of sex trafficking;

19 “(vii) specialized training for law en-
20 forcement personnel, social service pro-
21 viders, and public and private sector per-
22 sonnel likely to encounter sex trafficking
23 victims on issues related to the sex traf-
24 ficking of minors;

1 “(viii) funding salaries, in whole or in
2 part, for law enforcement officers, includ-
3 ing patrol officers, detectives, and inves-
4 tigators, except that the percentage of the
5 salary of the law enforcement officer paid
6 for by funds from a grant awarded under
7 paragraph (2) shall not be more than the
8 percentage of the officer’s time on duty
9 that is dedicated to working on cases in-
10 volving sex trafficking of minors;

11 “(ix) funding salaries for State and
12 local prosecutors, including assisting in
13 paying trial expenses for prosecution of sex
14 trafficking offenders;

15 “(x) investigation expenses for cases
16 involving sex trafficking of minors, includ-
17 ing—

18 “(I) wire taps;

19 “(II) consultants with expertise
20 specific to cases involving sex traf-
21 ficking of minors;

22 “(III) travel; and

23 “(IV) any other technical assist-
24 ance expenditures;

1 “(xi) outreach and education pro-
 2 grams to provide information about deter-
 3 rence and prevention of sex trafficking of
 4 minors; and

5 “(xii) programs to provide treatment
 6 to individuals charged or cited with pur-
 7 chasing or attempting to purchase sex acts
 8 in cases where—

9 “(I) a treatment program can be
 10 mandated as a condition of a sen-
 11 tence, fine, suspended sentence, or
 12 probation, or is an appropriate alter-
 13 native to criminal prosecution; and

14 “(II) the individual was not
 15 charged with purchasing or attempt-
 16 ing to purchase sex acts with a minor.

17 “(4) APPLICATION.—

18 “(A) IN GENERAL.—Each eligible entity
 19 desiring a grant under this section shall submit
 20 an application to the Assistant Attorney Gen-
 21 eral at such time, in such manner, and accom-
 22 panied by such information as the Assistant At-
 23 torney General may reasonably require.

24 “(B) CONTENTS.—Each application sub-
 25 mitted pursuant to subparagraph (A) shall—

1 “(i) describe the activities for which
2 assistance under this section is sought; and

3 “(ii) provide such additional assur-
4 ances as the Assistant Attorney General
5 determines to be essential to ensure com-
6 pliance with the requirements of this sec-
7 tion.

8 “(5) EVALUATION.—The Assistant Attorney
9 General shall enter into a contract with an academic
10 or non-profit organization that has experience in
11 issues related to sex trafficking of minors and eval-
12 uation of grant programs to conduct an annual eval-
13 uation of grants made under this section to deter-
14 mine the impact and effectiveness of programs fund-
15 ed with grants awarded under paragraph (2).

16 “(b) MANDATORY EXCLUSION.—Any grantee award-
17 ed funds under this section that is found to have utilized
18 grant funds for any unauthorized expenditure or otherwise
19 unallowable cost shall not be eligible for any grant funds
20 awarded under the block grant for 2 fiscal years following
21 the year in which the unauthorized expenditure or unal-
22 lowable cost is reported.

23 “(c) COMPLIANCE REQUIREMENT.—A grantee shall
24 not be eligible to receive a grant under this section if with-
25 in the last 5 fiscal years, the grantee has been found to

1 have violated the terms or conditions of a Government
2 grant program by utilizing grant funds for unauthorized
3 expenditures or otherwise unallowable costs.

4 “(d) ADMINISTRATIVE CAP.—The cost of admin-
5 istering the grants authorized by this section shall not ex-
6 ceed 3 percent of the total amount appropriated to carry
7 out this section.

8 “(e) AUDIT REQUIREMENT.—For fiscal years 2012
9 and 2013, the Inspector General of the Department of
10 Justice shall conduct an audit of all 6 grantees awarded
11 block grants under this section.

12 “(f) MATCH REQUIREMENT.—A grantee of a grant
13 under this section shall match at least 25 percent of a
14 grant in the first year, 40 percent in the second year, and
15 50 percent in the third year.

16 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Attorney General
18 to carry out this section \$15,000,000 for each of the fiscal
19 years 2012 through 2014.”.

20 (b) SUNSET PROVISION.—Effective 3 years after the
21 date of enactment of this Act, section 204 of the Traf-
22 ficking Victims Protection Reauthorization Act of 2005
23 (42 U.S.C. 14044c) is amended to read as it read on the
24 day before the date of enactment of this Act.

1 (c) GAO EVALUATION.—Not later than 30 months
 2 after the date of enactment of this Act, the Comptroller
 3 General of the United States shall conduct a study of and
 4 submit to Congress a report evaluating the impact of this
 5 Act and the amendments made by this Act in aiding minor
 6 victims of sex trafficking in the United States and increas-
 7 ing the ability of law enforcement agencies to prosecute
 8 sex trafficking offenders, which shall include recommenda-
 9 tions, if any, regarding any legislative or administrative
 10 action the Comptroller General determines appropriate.

11 **SEC. 5. REPORTING REQUIREMENTS.**

12 (a) REPORTING REQUIREMENT FOR STATE CHILD
 13 WELFARE AGENCIES.—

14 (1) REQUIREMENT FOR STATE CHILD WELFARE
 15 AGENCIES TO REPORT CHILDREN MISSING OR AB-
 16 DUCTED.—Section 471(a) of the Social Security Act
 17 (42 U.S.C. 671(a)) is amended—

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

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

22 (C) by inserting after paragraph (33) the
 23 following:

24 “(34) provides that the State has in effect pro-
 25 cedures that require the State agency to promptly

1 report information on missing or abducted children
2 to the law enforcement authorities for entry into the
3 National Crime Information Center (NCIC) data-
4 base of the Federal Bureau of Investigation, estab-
5 lished pursuant to section 534 of title 28, United
6 States Code.”.

7 (2) REGULATIONS.—The Secretary of Health
8 and Human Services shall promulgate regulations
9 implementing the amendments made by paragraph
10 (1). The regulations promulgated under this sub-
11 section shall include provisions to withhold Federal
12 funds from any State that fails to substantially com-
13 ply with the requirement imposed under the amend-
14 ments made by paragraph (1).

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

20 (b) ANNUAL STATISTICAL SUMMARY.—Section
21 3701(c) of the Crime Control Act of 1990 (42 U.S.C.
22 5779(c)) is amended by inserting “, which shall include
23 the total number of reports received and the total number
24 of entries made to the National Crime Information Center
25 (NCIC) database of the Federal Bureau of Investigation,

1 established pursuant to section 534 of title 28, United
 2 States Code.” after “this title”.

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

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

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

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

12 (4) by redesignating subparagraph (C) as sub-
 13 paragraph (D); and

14 (5) by inserting after subparagraph (B) the fol-
 15 lowing:

16 “(C) notify the National Center for Miss-
 17 ing and Exploited Children of each report re-
 18 ceived relating to a child reported missing from
 19 a foster care family home or childcare institu-
 20 tion; and”.

21 **SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS**
 22 **AND SURVIVORS.**

23 Section 225(b) of the Trafficking Victims Reauthor-
 24 ization Act of 2008 (22 U.S.C. 7101 note) is amended—

1 (1) in paragraph (1), by striking “and” at the
2 end;

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) protects children exploited through pros-
8 titution by including safe harbor provisions that—

9 “(A) treat an individual under 18 years of
10 age who has been arrested for offering to en-
11 gage in or engaging in a sexual act with an-
12 other person in exchange for monetary com-
13 pensation as a victim of a severe form of traf-
14 ficking in persons;

15 “(B) prohibit the charging or prosecution
16 of an individual described in subparagraph (A)
17 for a prostitution offense;

18 “(C) require the referral of an individual
19 described in subparagraph (A) to comprehensive
20 service or community-based programs that pro-
21 vide assistance to child victims of commercial
22 sexual exploitation, to the extent that com-
23 prehensive service or community-based pro-
24 grams exist; and

1 “(D) provide that an individual described
 2 in subparagraph (A) shall not be required to
 3 prove fraud, force, or coercion in order to re-
 4 ceive the protections described under this para-
 5 graph; and”.

6 **SEC. 7. SUBPOENA AUTHORITY.**

7 Section 566(e)(1) of title 28, United States Code, is
 8 amended—

9 (1) in subparagraph (A), by striking “and” at
 10 the end;

11 (2) in subparagraph (B), by striking the period
 12 at the end and inserting “; and”; and

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

14 “(C) issue administrative subpoenas in accord-
 15 ance with section 3486 of title 18, solely for the pur-
 16 pose of investigating unregistered sex offenders (as
 17 defined in such section 3486).”.

18 **SEC. 8. PROTECTION OF CHILD WITNESSES.**

19 Section 1514 of title 18, United States Code, is
 20 amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by inserting “or its own motion,”
 24 after “attorney for the Government”; and

1 (ii) by inserting “or investigation”
2 after “Federal criminal case” each place it
3 appears;

4 (B) by redesignating paragraphs (2), (3),
5 and (4) as paragraphs (3), (4), and (5), respec-
6 tively;

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) In the case of a minor witness or victim, the
10 court shall issue a protective order prohibiting harassment
11 or intimidation of the minor victim or witness if the court
12 finds evidence that the conduct at issue is reasonably like-
13 ly to adversely affect the willingness of the minor witness
14 or victim to testify or otherwise participate in the Federal
15 criminal case or investigation. Any hearing regarding a
16 protective order under this paragraph shall be conducted
17 in accordance with paragraphs (1) and (3), except that
18 the court may issue an ex parte emergency protective
19 order in advance of a hearing if exigent circumstances are
20 present. If such an ex parte order is applied for or issued,
21 the court shall hold a hearing not later than 14 days after
22 the date such order was applied for or is issued.”;

23 (D) in paragraph (4), as so redesignated,
24 by striking “(and not by reference to the com-
25 plaint or other document)”; and

1 (E) in paragraph (5), as so redesignated,
 2 in the second sentence, by inserting before the
 3 period at the end the following: “, except that
 4 in the case of a minor victim or witness, the
 5 court may order that such protective order ex-
 6 pires on the later of 3 years after the date of
 7 issuance or the date of the eighteenth birthday
 8 of that minor victim or witness”; and

9 (2) by striking subsection (c) and inserting the
 10 following:

11 “(c) Whoever knowingly and intentionally violates or
 12 attempts to violate an order issued under this section shall
 13 be fined under this title, imprisoned not more than 5
 14 years, or both.

15 “(d)(1) As used in this section—

16 “(A) the term ‘course of conduct’ means a se-
 17 ries of acts over a period of time, however short, in-
 18 dicating a continuity of purpose;

19 “(B) the term ‘harassment’ means a serious act
 20 or course of conduct directed at a specific person
 21 that—

22 “(i) causes substantial emotional distress
 23 in such person; and

24 “(ii) serves no legitimate purpose;

1 “(C) the term ‘immediate family member’ has
2 the meaning given that term in section 115 and in-
3 cludes grandchildren;

4 “(D) the term ‘intimidation’ means a serious
5 act or course of conduct directed at a specific person
6 that—

7 “(i) causes fear or apprehension in such
8 person; and

9 “(ii) serves no legitimate purpose;

10 “(E) the term ‘restricted personal information’
11 has the meaning give that term in section 119;

12 “(F) the term ‘serious act’ means a single act
13 of threatening, retaliatory, harassing, or violent con-
14 duct that is reasonably likely to influence the will-
15 ingness of a victim or witness to testify or partici-
16 pate in a Federal criminal case or investigation; and

17 “(G) the term ‘specific person’ means a victim
18 or witness in a Federal criminal case or investiga-
19 tion, and includes an immediate family member of
20 such a victim or witness.

21 “(2) For purposes of subparagraphs (B)(ii) and
22 (D)(ii) of paragraph (1), a court shall presume, subject
23 to rebuttal by the person, that the distribution or publica-
24 tion using the Internet of a photograph of, or restricted
25 personal information regarding, a specific person serves

1 no legitimate purpose, unless that use is authorized by
 2 that specific person, is for news reporting purposes, is de-
 3 signed to locate that specific person (who has been re-
 4 ported to law enforcement as a missing person), or is part
 5 of a government-authorized effort to locate a fugitive or
 6 person of interest in a criminal, antiterrorism, or national
 7 security investigation.”.

8 **SEC. 9. SENTENCING GUIDELINES.**

9 Pursuant to its authority under section 994 of title
 10 28, United States Code, and in accordance with this sec-
 11 tion, the United States Sentencing Commission shall re-
 12 view and amend the Federal sentencing guidelines and
 13 policy statements to ensure—

14 (1) that the guidelines provide an additional
 15 penalty increase of up to 8 offense levels, if appro-
 16 priate, above the sentence otherwise applicable in
 17 Part J of the Guidelines Manual if the defendant
 18 was convicted of a violation of section 1591 of title
 19 18, United States Code, or chapters 109A, 109B,
 20 110 or 117 of title 18, United States Code; and

21 (2) if the offense described in paragraph (1) in-
 22 volved causing or threatening to cause physical in-
 23 jury to a person under 18 years of age, in order to
 24 obstruct the administration of justice, an additional
 25 penalty increase of up to 12 levels, if appropriate,

1 above the sentence otherwise applicable in Part J of
2 the Guidelines Manual.

3 **SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD**
4 **PORNOGRAPHY.**

5 (a) CERTAIN ACTIVITIES RELATING TO MATERIAL
6 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—
7 Section 2252(b)(2) of title 18, United States Code, is
8 amended by inserting after “but if” the following: “any
9 visual depiction involved in the offense involved a pre-
10 pubescent minor or a minor who had not attained 12 years
11 of age, such person shall be fined under this title and im-
12 prisoned for not less than 1 year nor more than 20 years,
13 or if”.

14 (b) CERTAIN ACTIVITIES RELATING TO MATERIAL
15 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
16 Section 2252A(b)(2) of title 18, United States Code, is
17 amended by inserting after “but, if” the following: “any
18 image of child pornography involved in the offense in-
19 volved a prepubescent minor or a minor who had not at-
20 tained 12 years of age, such person shall be fined under
21 this title and imprisoned for not less than 1 year nor more
22 than 20 years, or if”.

23 **SEC. 11. ADMINISTRATIVE SUBPOENAS.**

24 (a) IN GENERAL.—Section 3486(a)(1) of title 18,
25 United States Code, is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (i), by striking “or” at the
3 end;

4 (B) by redesignating clause (ii) as clause
5 (iii); and

6 (C) by inserting after clause (i) the fol-
7 lowing:

8 “(ii) an unregistered sex offender con-
9 ducted by the United States Marshals
10 Service, the Director of the United States
11 Marshals Service; or”; and

12 (2) in subparagraph (D)—

13 (A) by striking “paragraph, the term” and
14 inserting the following: “paragraph—

15 “(i) the term”;

16 (B) by striking the period at the end and
17 inserting “; and”; and

18 (C) by adding at the end the following:

19 “(ii) the term ‘sex offender’ means an indi-
20 vidual required to register under the Sex Offender
21 Registration and Notification Act (42 U.S.C. 16901
22 et seq.).”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 Section 3486(a) of title 18, United States Code, is amend-
25 ed—

1 (1) in paragraph (6)(A), by striking “United
2 State” and inserting “United States”;

3 (2) in paragraph (9), by striking “(1)(A)(ii)”
4 and inserting “(1)(A)(iii)”; and

5 (3) in paragraph (10), by striking “paragraph
6 (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

7 **SEC. 12. REDUCING UNNECESSARY PRINTING AND PUB-**
8 **LISHING COSTS OF GOVERNMENT DOCU-**
9 **MENTS.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Director of the Office of Management and
12 Budget shall coordinate with the heads of Federal depart-
13 ments and independent agencies to—

14 (1) determine which Government publications
15 could be available on Government websites and no
16 longer printed and to devise a strategy to reduce
17 overall Government printing costs beginning with fis-
18 cal year 2012, except that the Director shall ensure
19 that essential printed documents prepared for Social
20 Security recipients, Medicare beneficiaries, and other
21 populations in areas with limited internet access or
22 use continue to remain available;

23 (2) establish government-wide Federal guide-
24 lines on employee printing;

1 (3) issue on the Office of Management and
2 Budget's public website the results of a cost-benefit
3 analysis on implementing a digital signature system
4 and on establishing employee printing identification
5 systems, such as the use of individual employee
6 cards or codes, to monitor the amount of printing
7 done by Federal employees, except that the Director
8 of the Office of Management and Budget shall en-
9 sure that Federal employee printing costs unrelated
10 to national defense, homeland security, border secu-
11 rity, national disasters, and other emergencies do
12 not exceed \$860,000,000 annually for fiscal years
13 2012 through 2014; and

14 (4) issue guidelines requiring every department,
15 agency, commission or office to list at a prominent
16 place near the beginning of each publication distrib-
17 uted to the public and issued or paid for by the Fed-
18 eral Government the following:

19 (A) The name of the issuing agency, de-
20 partment, commission or office.

21 (B) The total number of copies of the doc-
22 ument printed.

23 (C) The collective cost of producing and
24 printing all of the copies of the document.

1 (D) The name of the firm publishing the
2 document.

3 **SEC. 13. BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go-Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the Senate Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

Passed the Senate December 9, 2010.

Attest: NANCY ERICKSON,
Secretary.