

Union Calendar No. 3

114TH CONGRESS
1ST SESSION

H. R. 181

[Report No. 114-7]

To provide justice for the victims of trafficking.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

Mr. POE of Texas (for himself and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

JANUARY 27, 2015

Additional sponsors: Mr. PAULSEN, Ms. BASS, Mr. JOLLY, Mr. KLINE, Mrs. WAGNER, Ms. JACKSON LEE, Mr. FRELINGHUYSEN, Ms. HERRERA BEUTLER, Mr. VARGAS, Mr. CRAMER, Mr. BISHOP of Michigan, Mrs. NOEM, Mr. FITZPATRICK, Mr. POSEY, and Ms. MCSALLY

JANUARY 27, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide justice for the victims of trafficking.

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 “Justice for Victims
5 of Trafficking Act of 2015”.

6 **SEC. 2. VICTIM-CENTERED SEX TRAFFICKING DETERRENCE**
7 **GRANT PROGRAM.**

8 Section 203 of the Trafficking Victims Protection Re-
9 authorization Act of 2005 (42 U.S.C. 14044b) is amend-
10 ed—

11 (1) by redesignating subsection (g) as sub-
12 section (j);

13 (2) by striking subsections (a) through (f), and
14 inserting the following:

15 “(a) GRANTS AUTHORIZED.—The Attorney General
16 may make grants to eligible entities to develop, improve,
17 or expand comprehensive domestic child human trafficking
18 deterrence programs that assist law enforcement officers,
19 prosecutors, judicial officials, and qualified victims’ serv-
20 ices organizations in collaborating to rescue and restore
21 the lives of victims, while investigating and prosecuting of-
22 fenses involving child human trafficking.

23 “(b) AUTHORIZED ACTIVITIES.—Grants awarded
24 under subsection (a) may be used for—

1 “(1) the establishment or enhancement of spe-
2 cialized training programs for law enforcement offi-
3 cers, first responders, health care officials, child wel-
4 fare officials, juvenile justice personnel, prosecutors,
5 and judicial personnel to—

6 “(A) identify victims and acts of child
7 human trafficking;

8 “(B) address the unique needs of victims
9 of child human trafficking;

10 “(C) facilitate the rescue of victims of child
11 human trafficking;

12 “(D) investigate and prosecute acts of
13 child human trafficking, including the soliciting,
14 patronizing, or purchasing of commercial sex
15 acts from children, as well as training to build
16 cases against complex criminal networks in-
17 volved in child human trafficking; and

18 “(E) implement and provide education on
19 safe harbor laws enacted by States, aimed at
20 preventing the criminalization and prosecution
21 of victims of child human trafficking for pros-
22 titution offenses;

23 “(2) the establishment or enhancement of dedi-
24 cated anti-child human trafficking law enforcement
25 units and task forces to investigate child human

1 trafficking offenses and to rescue victims, includ-
2 ing—

3 “(A) funding salaries, in whole or in part,
4 for law enforcement officers, including patrol
5 officers, detectives, and investigators, except
6 that the percentage of the salary of the law en-
7 forcement officer paid for by funds from a
8 grant awarded under this section shall not be
9 more than the percentage of the officer’s time
10 on duty that is dedicated to working on cases
11 involving child human trafficking;

12 “(B) investigation expenses for cases in-
13 volving child human trafficking, including—

14 “(i) wire taps;

15 “(ii) consultants with expertise spe-
16 cific to cases involving child human traf-
17 ficking;

18 “(iii) travel; and

19 “(iv) other technical assistance ex-
20 penditures;

21 “(C) dedicated anti-child human traf-
22 ficking prosecution units, including the funding
23 of salaries for State and local prosecutors, in-
24 cluding assisting in paying trial expenses for
25 prosecution of child human trafficking offenses,

1 except that the percentage of the total salary of
2 a State or local prosecutor that is paid using an
3 award under this section shall be not more than
4 the percentage of the total number of hours
5 worked by the prosecutor that is spent working
6 on cases involving child human trafficking; and

7 “(D) the establishment of child human
8 trafficking victim witness safety, assistance,
9 and relocation programs that encourage co-
10 operation with law enforcement investigations
11 of crimes of child human trafficking by
12 leveraging existing resources and delivering
13 child human trafficking victims’ services
14 through coordination with—

15 “(i) child advocacy centers;

16 “(ii) social service agencies;

17 “(iii) State governmental health serv-
18 ice agencies;

19 “(iv) housing agencies;

20 “(v) legal services agencies; and

21 “(vi) non-governmental organizations
22 and shelter service providers with substan-
23 tial experience in delivering services to vic-
24 tims of child human trafficking;

1 “(3) the establishment or enhancement of prob-
2 lem solving court programs for child human traf-
3 ficking victims that include—

4 “(A) continuing judicial supervision of vic-
5 tims of child human trafficking who have been
6 identified by a law enforcement or judicial offi-
7 cer as a potential victim of child human traf-
8 ficking, regardless of whether the victim has
9 been charged with a crime related to human
10 trafficking;

11 “(B) the development of specialized and in-
12 dividualized treatment programs for identified
13 victims of child human trafficking, including—

14 “(i) State-administered outpatient
15 treatment;

16 “(ii) life skills training;

17 “(iii) housing placement;

18 “(iv) vocational training;

19 “(v) education;

20 “(vi) family support services; and

21 “(vii) job placement; and

22 “(C) collaborative efforts with child advo-
23 cacy centers, child welfare agencies, shelters,
24 and non-governmental organizations to provide

1 services to victims and encourage cooperation
2 with law enforcement; and

3 “(4) the establishment or enhancement of vic-
4 tims’ services programs for victims of child human
5 trafficking, which offer services including—

6 “(A) residential care, including temporary
7 or long-term placement, as appropriate;

8 “(B) 24-hour emergency social services re-
9 sponse systems; and

10 “(C) counseling and case management
11 services.

12 “(c) APPLICATION.—

13 “(1) IN GENERAL.—An eligible entity shall sub-
14 mit an application to the Attorney General for a
15 grant under this section in such form and manner
16 as the Attorney General may require.

17 “(2) REQUIRED INFORMATION.—An application
18 submitted under this subsection shall—

19 “(A) disclose—

20 “(i) any other grant funding from the
21 Department of Justice or from any other
22 Federal department or agency for purposes
23 similar to those described in subsection (b)
24 for which the eligible entity has applied,
25 and which application is pending on the

1 date of the submission of an application
2 under this section; and

3 “(ii) any other such grant funding
4 that the eligible entity has received during
5 the 5-year period prior to the date of the
6 submission of an application under this
7 section;

8 “(B) describe the activities for which as-
9 sistance under this section is sought;

10 “(C) include a detailed plan for the use of
11 funds awarded under the grant; and

12 “(D) provide such additional information
13 and assurances as the Attorney General deter-
14 mines to be necessary to ensure compliance
15 with the requirements of this section.

16 “(3) PREFERENCE.—In reviewing applications
17 submitted in accordance with paragraphs (1) and
18 (2), the Attorney General shall give preference to
19 grant applications if—

20 “(A) the application includes a plan to use
21 awarded funds to engage in all activities de-
22 scribed under paragraphs (1) and (2) of sub-
23 section (b); or

24 “(B) the application includes a plan by the
25 State or unit of local government to continue

1 funding of all activities funded by the award
2 after the expiration of the award.

3 “(d) DURATION AND RENEWAL OF AWARD.—

4 “(1) IN GENERAL.—A grant under this section
5 shall expire 1 year after the date of award of the
6 grant.

7 “(2) RENEWAL.—A grant under this section
8 shall be renewable not more than 3 times and for a
9 period of not greater than 1 year.

10 “(e) EVALUATION.—The Attorney General shall
11 enter into a contract with an academic or non-profit orga-
12 nization that has experience in issues related to child
13 human trafficking and evaluation of grant programs to
14 conduct an annual evaluation of grants made under this
15 section to determine the impact and effectiveness of pro-
16 grams funded with grants awarded under this section, and
17 shall submit any such evaluation to the Committee on the
18 Judiciary of the House of Representatives and the Com-
19 mittee on the Judiciary of the Senate.

20 “(f) OVERSIGHT AND ACCOUNTABILITY.—An eligible
21 entity that receives a grant under this section is subject
22 to the requirements of section 10 of the Justice for Vic-
23 tims of Trafficking Act of 2014.

24 “(g) ADMINISTRATIVE CAP.—The cost of admin-
25 istering the grants authorized by this section shall not ex-

1 exceed 5 percent of the total amount appropriated to carry
2 out this section.

3 “(h) FEDERAL SHARE.—The Federal share of the
4 cost of a program funded by a grant awarded under this
5 section may not exceed—

6 “(1) 70 percent in the first year;

7 “(2) 60 percent in the second year; and

8 “(3) 50 percent in the third year.

9 “(i) DEFINITIONS.—In this section—

10 “(1) the term ‘child’ means a person under the
11 age of 18;

12 “(2) the term ‘child advocacy center’ means a
13 center created under subtitle A of the Victims of
14 Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

15 “(3) the term ‘child human trafficking’ means
16 1 or more severe forms of trafficking in persons (as
17 defined in section 103 of the Trafficking Victims
18 Protection Act of 2000 (22 U.S.C. 7102)) involving
19 a victim who is a child; and

20 “(4) the term ‘eligible entity’ means a State or
21 unit of local government that—

22 “(A) has significant criminal activity in-
23 volving child human trafficking;

24 “(B) has demonstrated cooperation be-
25 tween Federal, State, local, and, where applica-

1 ble, tribal law enforcement agencies, prosecu-
2 tors, and social service providers in addressing
3 child human trafficking; and

4 “(C) has developed a workable, multi-dis-
5 ciplinary plan to combat child human traf-
6 ficking.”; and

7 (3) in subsection (j) (as so redesignated)—

8 (A) by striking “Secretary of Health and
9 Human Services” and inserting “Attorney Gen-
10 eral, in consultation with the Secretary of
11 Health and Human Services,”; and

12 (B) by striking “fiscal years 2008 through
13 2011” and inserting “fiscal years 2015 through
14 2019”.

15 **SEC. 3. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE**

16 **ACT OF 1990.**

17 The Victims of Child Abuse Act of 1990 (42 U.S.C.
18 13001 et seq.) is amended—

19 (1) in section 212(5) (42 U.S.C. 13001a(5)), by
20 inserting “, including human trafficking and the
21 production of child pornography” before the semi-
22 colon at the end; and

23 (2) in section 214 (42 U.S.C. 13002)—

1 (A) by redesignating subsections (b), (c),
2 and (d) as subsections (c), (d), and (e), respec-
3 tively; and

4 (B) by inserting after subsection (a) the
5 following:

6 “(b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-
7 NOGRAPHY.—The Administrator, in coordination with the
8 Director and with the Director of the Office of Victims
9 of Crime, may make grants to develop and implement spe-
10 cialized programs to identify and provide direct services
11 to victims of child pornography.”.

12 **SEC. 4. STREAMLINING STATE AND LOCAL HUMAN TRAF-**
13 **FICKING INVESTIGATIONS.**

14 Section 2516(2) of title 18, United States Code, is
15 amended by inserting “human trafficking, child sexual ex-
16 ploitation, child pornography production,” after “kidnap-
17 ping,”.

18 **SEC. 5. ENHANCING HUMAN TRAFFICKING REPORTING.**

19 Section 3702 of the Crime Control Act of 1990 (42
20 U.S.C. 5780) is amended—

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

23 (2) in paragraph (4)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “paragraph (2)” and inserting
3 “paragraph (3)”;

4 (B) in subparagraph (A), by inserting
5 “and a photograph taken within the previous
6 180 days” after “dental records”;

7 (C) in subparagraph (B), by striking
8 “and” at the end;

9 (D) by redesignating subparagraph (C) as
10 subparagraph (D); and

11 (E) by inserting after subparagraph (B)
12 the following:

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

18 **SEC. 6. REDUCING DEMAND FOR SEX TRAFFICKING.**

19 Section 1591 of title 18, United States Code, is
20 amended—

21 (1) in subsection (a)(1), by striking “or main-
22 tains” and inserting “maintains, patronizes, or solie-
23 its”;

24 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “or ob-
2 tained” and inserting “obtained, patronized, or
3 solicited”; and

4 (B) in paragraph (2), by striking “or ob-
5 tained” and inserting “obtained, patronized, or
6 solicited”; and

7 (3) in subsection (c)—

8 (A) by striking “or maintained” and in-
9 serting “, maintained, patronized, or solicited”;
10 and

11 (B) by striking “knew that the person”
12 and inserting “knew, or recklessly disregarded
13 the fact, that the person”.

14 **SEC. 7. USING EXISTING TASK FORCES TO TARGET OF-**
15 **FENDERS WHO EXPLOIT CHILDREN.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Attorney General shall ensure that all task
18 forces and working groups within the Violent Crimes
19 Against Children Program engage in activities, programs,
20 or operations to increase the investigative capabilities of
21 State and local law enforcement officers in the detection,
22 investigation, and prosecution of persons who patronize,
23 or solicit children for sex.

1 **SEC. 8. HOLDING SEX TRAFFICKERS ACCOUNTABLE.**

2 Section 2423(g) of title 18, United States Code, is
3 amended by striking “a preponderance of the evidence”
4 and inserting “clear and convincing evidence”.

5 **SEC. 9. OVERSIGHT AND ACCOUNTABILITY.**

6 (a) **AUDIT REQUIREMENT.**—In fiscal year 2015, and
7 each fiscal year thereafter, the Inspector General of the
8 Department of Justice shall conduct audits of covered
9 grantees to prevent waste, fraud, and abuse of such funds.
10 The Inspector General shall determine the appropriate
11 number of covered grantees to be audited each year.

12 (b) **MANDATORY EXCLUSION.**—A covered grantee
13 that is found to have an unresolved audit finding shall
14 not be eligible for an allocation of grant funds from the
15 covered grant program from which it received a grant
16 award during the first 2 fiscal years beginning after the
17 end of the 12-month period described in subsection (g)(3).

18 (c) **REIMBURSEMENT.**—If a covered grantee is
19 awarded funds under the covered grant program from
20 which it received a grant award during the 2-fiscal-year
21 period during which the covered grantee is ineligible for
22 an allocation of grant funds as a result of subsection (b),
23 the Attorney General shall—

24 (1) deposit an amount equal to the amount of
25 the grant funds that were improperly awarded to the

1 covered grantee into the General Fund of the Treas-
2 ury; and

3 (2) seek to recoup the costs of the repayment
4 to the Fund from the covered grantee that was erro-
5 neously awarded grant funds.

6 (d) NONPROFIT ORGANIZATION REQUIREMENTS.—

7 (1) DEFINITION.—For purposes of this section,
8 the term “nonprofit”, when used with respect to an
9 organization, means an organization that is de-
10 scribed in section 501(c)(3) of the Internal Revenue
11 Code of 1986 and is exempt from taxation under
12 section 501(a) of such Code.

13 (2) PROHIBITION.—A nonprofit organization
14 that holds money in offshore accounts for the pur-
15 pose of avoiding paying the tax described in section
16 511(a) of the Internal Revenue Code of 1986, shall
17 not be eligible to receive, directly or indirectly, any
18 funds from a covered grant program.

19 (3) DISCLOSURE.—Each nonprofit organization
20 that is a covered grantee shall disclose in its applica-
21 tion for such a grant, as a condition of receipt of
22 such a grant, the compensation of its officers, direc-
23 tors, and trustees. Such disclosure shall include a
24 description of the criteria relied upon to determine
25 such compensation.

1 (e) CONFERENCE EXPENDITURES.—

2 (1) LIMITATION.—No amounts made available
3 under a covered grant program may be used to host
4 or support a conference that uses more than
5 \$20,000 in funds made available by the Department
6 of Justice unless the Deputy Attorney General or
7 the appropriate Assistant Attorney General, Direc-
8 tor, or principal deputy (as designated by the Dep-
9 uty Attorney General) provides prior written ap-
10 proval that the funds may be expended to host or
11 support such conference, except that a conference
12 that uses more than \$20,000 in such funds, but less
13 than \$500 in such funds for each attendee of the
14 conference, shall not be subject to the limitation
15 under this paragraph.

16 (2) WRITTEN APPROVAL.—Written approval
17 under paragraph (1) shall include a written estimate
18 of all costs associated with the conference, including
19 the cost of all food, beverages, audio-visual equip-
20 ment, honoraria for speakers, and entertainment.

21 (3) REPORT.—The Deputy Attorney General
22 shall submit an annual report to the Committee on
23 the Judiciary of the Senate and the Committee on
24 the Judiciary of the House of Representatives on all

1 conference expenditures approved under this sub-
2 section.

3 (f) PROHIBITION ON LOBBYING ACTIVITY.—

4 (1) IN GENERAL.—Amounts made available
5 under a covered grant program may not be used by
6 any covered grantee to—

7 (A) lobby any representative of the Depart-
8 ment of Justice regarding the award of grant
9 funding; or

10 (B) lobby any representative of the Federal
11 Government or a State, local, or tribal govern-
12 ment regarding the award of grant funding.

13 (2) PENALTY.—If the Attorney General deter-
14 mines that a covered grantee has violated paragraph
15 (1), the Attorney General shall—

16 (A) require the covered grantee to repay
17 the grant in full; and

18 (B) prohibit the covered grantee from re-
19 ceiving a grant under the covered grant pro-
20 gram from which it received a grant award dur-
21 ing at least the 5-year period beginning on the
22 date of such violation.

23 (g) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

1 (1) The term “covered grant program” means
2 the following:

3 (A) The grant program under section 203
4 of the Trafficking Victims Protection Reauthor-
5 ization Act of 2005 (42 U.S.C. 14044b).

6 (B) The grant programs under section 214
7 and 214A of the Victims of Child Abuse Act of
8 1990 (42 U.S.C. 13002, 13003).

9 (2) The term “covered grantee” means a recipi-
10 ent of a grant from a covered grant program.

11 (3) The term “unresolved audit finding” means
12 an audit report finding in a final audit report of the
13 Inspector General of the Department of Justice that
14 a covered grantee has used grant funds awarded to
15 that grantee under a covered grant program for an
16 unauthorized expenditure or otherwise unallowable
17 cost that is not closed or resolved during the 12-
18 month period beginning on the date on which the
19 final audit report is issued.

20 **SEC. 10. CRIME VICTIMS’ RIGHTS.**

21 (a) IN GENERAL.—Section 3771 of title 18, United
22 States Code, is amended—

23 (1) in subsection (a), by adding at the end the
24 following:

1 “(9) The right to be informed in a timely man-
2 ner of any plea bargain or deferred prosecution
3 agreement.

4 “(10) The right to be informed of the rights
5 under this section and the services described in sec-
6 tion 503(c) of the Victims’ Rights and Restitution
7 Act of 1990 (42 U.S.C. 10607(c)) and provided con-
8 tact information for the Office of the Victims’
9 Rights Ombudsman of the Department of Justice.”;

10 (2) in subsection (d)(3), in the fifth sentence,
11 by inserting “, unless the litigants, with the approval
12 of the court, have stipulated to a different time pe-
13 riod for consideration” before the period; and

14 (3) in subsection (e)—

15 (A) by striking “this chapter, the term”
16 and inserting the following: “this chapter:

17 “(1) COURT OF APPEALS.—The term ‘court of
18 appeals’ means—

19 “(A) the United States court of appeals for
20 the judicial district in which a defendant is
21 being prosecuted; or

22 “(B) for a prosecution in the Superior
23 Court of the District of Columbia, the District
24 of Columbia Court of Appeals.

25 “(2) CRIME VICTIM.—

1 “(A) IN GENERAL.—The term”;

2 (B) by striking “In the case” and inserting
3 the following:

4 “(B) MINORS AND CERTAIN OTHER VIC-
5 TIMS.—In the case”; and

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

7 “(3) DISTRICT COURT; COURT.—The terms
8 ‘district court’ and ‘court’ include the Superior
9 Court of the District of Columbia.”.

10 (b) APPELLATE REVIEW OF PETITIONS RELATING
11 TO CRIME VICTIMS’ RIGHTS.—

12 (1) IN GENERAL.—Section 3771(d)(3) of title
13 18, United States Code, as amended by subsection
14 (a)(2) of this section, is amended by inserting after
15 the fifth sentence the following: “In deciding such
16 application, the court of appeals shall apply ordinary
17 standards of appellate review.”.

18 (2) APPLICATION.—The amendment made by
19 paragraph (1) shall apply with respect to any peti-
20 tion for a writ of mandamus filed under section
21 3771(d)(3) of title 18, United States Code, that is
22 pending on the date of enactment of this Act.

23 **SEC. 11. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) child human trafficking (as such term is de-
2 fined in section 203(i) of the Trafficking Victims
3 Protection Reauthorization Act of 2005 (42 U.S.C.
4 14044b), as added by this Act) has no place in a civ-
5 ilized society, and that persons who commit crimes
6 relating to child human trafficking should be pros-
7 ecuted to the fullest extent of the law;

8 (2) the United States, as a leader in monitoring
9 and combating human trafficking throughout the
10 world, must hold all nations to the same standards
11 to which we hold our Nation;

12 (3) those who obtain, solicit, or patronize a vic-
13 tim of trafficking for the purpose of engaging in a
14 commercial sex act with that person, are committing
15 a human trafficking offense under Federal law; and

16 (4) the demand for commercial sex is a primary
17 cause of the human rights violation of human traf-
18 ficking, and the elimination of that human rights
19 violation requires the elimination of that demand.

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