113TH CONGRESS 2D SESSION

H.R.3530

AN ACT

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,

1 SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "Justice for Victims
- 3 of Trafficking Act of 2014".
- 4 SEC. 2. AVAILABILITY OF SUMS IN CRIME VICTIMS FUND.
- 5 Section 1402 of the Victims of Crime Act of 1984
- 6 (42 U.S.C. 10601) is amended in subsection (d) by insert-
- 7 ing before paragraph (2) the following:
- 8 "(1) A limitation on obligations is authorized to
- 9 be provided with respect to fiscal years 2016
- through 2020. Except in the case where a limitation
- on obligations is made by a continuing resolution, if
- such a limitation on obligations is less than—
- "(A) \$805,000,000 in fiscal year 2016;
- "(B) \$825,000,000 in fiscal year 2017;
- "(C) \$845,000,000 in fiscal year 2018;
- 16 "(D) \$866,000,000 in fiscal year 2019; or
- 17 "(E) \$890,000,000 in fiscal year 2020;
- then all sums deposited in the fund in prior fiscal
- years shall become available for obligation.".
- 20 SEC. 3. VICTIM-CENTERED SEX TRAFFICKING DETERRENCE
- 21 **GRANT PROGRAM.**
- 22 Section 203 of the Trafficking Victims Protection Re-
- 23 authorization Act of 2005 (42 U.S.C. 14044b) is amend-
- 24 ed—
- 25 (1) by redesignating subsection (g) as sub-
- section (j);

1	(2) by striking subsections (a) through (f), and
2	inserting the following:
3	"(a) Grants Authorized.—The Attorney General
4	may make grants to eligible entities to develop, improve,
5	or expand comprehensive domestic child human trafficking
6	deterrence programs that assist law enforcement officers,
7	prosecutors, judicial officials, and qualified victims' serv-
8	ices organizations in collaborating to rescue and restore
9	the lives of victims, while investigating and prosecuting of-
10	fenses involving child human trafficking.
11	"(b) Authorized Activities.—Grants awarded
12	under subsection (a) may be used for—
13	"(1) the establishment or enhancement of spe-
14	cialized training programs for law enforcement offi-
15	cers, first responders, health care officials, child wel-
16	fare officials, juvenile justice personnel, prosecutors,
17	and judicial personnel to—
18	"(A) identify victims and acts of child
19	human trafficking;
20	"(B) address the unique needs of victims
21	of child human trafficking;
22	"(C) facilitate the rescue of victims of child
23	human trafficking;
24	"(D) investigate and prosecute acts of
25	child human trafficking, including the soliciting.

1	patronizing, or purchasing of commercial sex
2	acts from children, as well as training to build
3	cases against complex criminal networks in-
4	volved in child human trafficking; and
5	"(E) implement and provide education or
6	safe harbor laws enacted by States, aimed at
7	preventing the criminalization and prosecution
8	of victims of child human trafficking for pros-
9	titution offenses;
10	"(2) the establishment or enhancement of dedi-
11	cated anti-child human trafficking law enforcement
12	units and task forces to investigate child human
13	trafficking offenses and to rescue victims, includ-
14	ing—
15	"(A) funding salaries, in whole or in part
16	for law enforcement officers, including patrol
17	officers, detectives, and investigators, except
18	that the percentage of the salary of the law en-
19	forcement officer paid for by funds from a
20	grant awarded under this section shall not be
21	more than the percentage of the officer's time
22	on duty that is dedicated to working on cases
23	involving child human trafficking;
24	"(B) investigation expenses for cases in-
25	volving child human trafficking, including—

1	"(i) wire taps;
2	"(ii) consultants with expertise spe-
3	cific to cases involving child human traf-
4	ficking;
5	"(iii) travel; and
6	"(iv) other technical assistance ex-
7	penditures;
8	"(C) dedicated anti-child human traf-
9	ficking prosecution units, including the funding
10	of salaries for State and local prosecutors, in-
11	cluding assisting in paying trial expenses for
12	prosecution of child human trafficking offenses,
13	except that the percentage of the total salary of
14	a State or local prosecutor that is paid using an
15	award under this section shall be not more than
16	the percentage of the total number of hours
17	worked by the prosecutor that is spent working
18	on cases involving child human trafficking; and
19	"(D) the establishment of child human
20	trafficking victim witness safety, assistance,
21	and relocation programs that encourage co-
22	operation with law enforcement investigations
23	of crimes of child human trafficking by
24	leveraging existing resources and delivering

1	child human trafficking victims' services
2	through coordination with—
3	"(i) child advocacy centers;
4	"(ii) social service agencies;
5	"(iii) State governmental health serv-
6	ice agencies;
7	"(iv) housing agencies;
8	"(v) legal services agencies; and
9	"(vi) non-governmental organizations
10	and shelter service providers with substan-
11	tial experience in delivering services to vic-
12	tims of child human trafficking;
13	"(3) the establishment or enhancement of prob-
14	lem solving court programs for child human traf-
15	ficking victims that include—
16	"(A) continuing judicial supervision of vic-
17	tims of child human trafficking who have been
18	identified by a law enforcement or judicial offi-
19	cer as a potential victim of child human traf-
20	ficking, regardless of whether the victim has
21	been charged with a crime related to human
22	trafficking;
23	"(B) the development of specialized and in-
24	dividualized treatment programs for identified
25	victims of child human trafficking, including—

1	"(i) State-administered outpatient
2	treatment;
3	"(ii) life skills training;
4	"(iii) housing placement;
5	"(iv) vocational training;
6	"(v) education;
7	"(vi) family support services; and
8	"(vii) job placement; and
9	"(C) collaborative efforts with child advo-
10	cacy centers, child welfare agencies, shelters,
11	and non-governmental organizations to provide
12	services to victims and encourage cooperation
13	with law enforcement; and
14	"(4) the establishment or enhancement of vic-
15	tims' services programs for victims of child human
16	trafficking, which offer services including—
17	"(A) residential care, including temporary
18	or long-term placement, as appropriate;
19	"(B) 24-hour emergency social services re-
20	sponse systems; and
21	"(C) counseling and case management
22	services.
23	"(c) Application.—
24	"(1) In general.—An eligible entity shall sub-
25	mit an application to the Attorney General for a

1	grant under this section in such form and manner
2	as the Attorney General may require.
3	"(2) REQUIRED INFORMATION.—An application
4	submitted under this subsection shall—
5	"(A) disclose—
6	"(i) any other grant funding from the
7	Department of Justice or from any other
8	Federal department or agency for purposes
9	similar to those described in subsection (b)
10	for which the eligible entity has applied,
11	and which application is pending on the
12	date of the submission of an application
13	under this section; and
14	"(ii) any other such grant funding
15	that the eligible entity has received during
16	the 5 year period prior to the date of the
17	submission of an application under this
18	section;
19	"(B) describe the activities for which as-
20	sistance under this section is sought;
21	"(C) include a detailed plan for the use of
22	funds awarded under the grant; and
23	"(D) provide such additional information
24	and assurances as the Attorney General deter-

1	mines to be necessary to ensure compliance
2	with the requirements of this section.
3	"(3) Preference.—In reviewing applications
4	submitted in accordance with paragraphs (1) and
5	(2), the Attorney General shall give preference to
6	grant applications if—
7	"(A) the application includes a plan to use
8	awarded funds to engage in all activities de-
9	scribed under paragraphs (1) and (2) of sub-
10	section (b); or
11	"(B) the application includes a plan by the
12	State or unit of local government to continue
13	funding of all activities funded by the award
14	after the expiration of the award.
15	"(d) Duration and Renewal of Award.—
16	"(1) IN GENERAL.—A grant under this section
17	shall expire 1 year after the date of award of the
18	grant.
19	"(2) Renewal.—A grant under this section
20	shall be renewable not more than 3 times and for a
21	period of not greater than 1 year.
22	"(e) Evaluation.—The Attorney General shall
23	enter into a contract with an academic or non-profit orga-
24	nization that has experience in issues related to child
25	human trafficking and evaluation of grant programs to

- 1 conduct an annual evaluation of grants made under this
- 2 section to determine the impact and effectiveness of pro-
- 3 grams funded with grants awarded under this section, and
- 4 shall submit any such evaluation to the Committee on the
- 5 Judiciary of the House of Representatives and the Com-
- 6 mittee on the Judiciary of the Senate.
- 7 "(f) Oversight and Accountability.—An eligible
- 8 entity that receives a grant under this section is subject
- 9 to the requirements of section 10 of the Justice for Vic-
- 10 tims of Trafficking Act of 2014.
- 11 "(g) Administrative Cap.—The cost of admin-
- 12 istering the grants authorized by this section shall not ex-
- 13 ceed 5 percent of the total amount appropriated to carry
- 14 out this section.
- 15 "(h) FEDERAL SHARE.—The Federal share of the
- 16 cost of a program funded by a grant awarded under this
- 17 section may not exceed—
- 18 "(1) 70 percent in the first year;
- "(2) 60 percent in the second year; and
- 20 "(3) 50 percent in the third year.
- 21 "(i) Definitions.—In this section—
- 22 "(1) the term 'child' means a person under the
- 23 age of 18;

1	"(2) the term 'child advocacy center' means a
2	center created under subtitle A of the Victims of
3	Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);
4	"(3) the term 'child human trafficking' means
5	1 or more severe forms of trafficking in persons (as
6	defined in section 103 of the Trafficking Victims
7	Protection Act of 2000 (22 U.S.C. 7102)) involving
8	a victim who is a child; and
9	"(4) the term 'eligible entity' means a State or
10	unit of local government that—
11	"(A) has significant criminal activity in-
12	volving child human trafficking;
13	"(B) has demonstrated cooperation be-
14	tween Federal, State, local, and, where applica-
15	ble, tribal law enforcement agencies, prosecu-
16	tors, and social service providers in addressing
17	child human trafficking; and
18	"(C) has developed a workable, multi-dis-
19	ciplinary plan to combat child human traf-
20	ficking."; and
21	(3) in subsection (j) (as so redesignated)—
22	(A) by striking "Secretary of Health and
23	Human Services" and inserting "Attorney Gen-
24	eral, in consultation with the Secretary of
25	Health and Human Services,"; and

1	(B) by striking "fiscal years 2008 through
2	2011" and inserting "fiscal years 2015 through
3	2019".
4	SEC. 4. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE
5	ACT OF 1990.
6	(a) Reauthorization of Victims of Child Abuse
7	ACT OF 1990.—Section 214B of the Victims of Child
8	Abuse Act of 1990 (42 U.S.C. 13004) is amended—
9	(1) in subsection (a), by striking "fiscal years
10	2004 and 2005 " and inserting "fiscal years 2015
11	through 2019"; and
12	(2) in subsection (b), by striking "fiscal years
13	2004 and 2005 " and inserting "fiscal years 2015
14	through 2019".
15	(b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-
16	NOGRAPHY.—The Victims of Child Abuse Act of 1990 (42 $$
17	U.S.C. 13001 et seq.) is amended—
18	(1) in section $212(5)$ $(42$ U.S.C. $13001a(5))$, by
19	inserting ", including human trafficking and the
20	production of child pornography" before the semi-
21	colon at the end; and
22	(2) in section 214 (42 U.S.C. 13002)—
23	(A) by redesignating subsections (b), (c),
24	and (d) as subsections (e), (d), and (e), respec-
25	tively; and

1	(B) by inserting after subsection (a) the
2	following:
3	"(b) Direct Services for Victims of Child Por-
4	NOGRAPHY.—The Administrator, in coordination with the
5	Director and with the Director of the Office of Victims
6	of Crime, may make grants to develop and implement spe-
7	cialized programs to identify and provide direct services
8	to victims of child pornography.".
9	(c) Oversight and Accountability.—
10	(1) Local Children's advocacy centers.—
11	Section 214 of the Victims of Child Abuse Act of
12	1990 (42 U.S.C. 13002), as amended by this Act,
13	is further amended by inserting at the end the fol-
14	lowing:
15	"(f) Oversight and Accountability.—
16	"(1) Accountability requirement.—A
17	grant recipient under this section is subject to the
18	requirements of section 10 of the Justice for Victims
19	of Trafficking Act of 2014.
20	"(2) Disclosure of additional sources of
21	FEDERAL FUNDING.—An application for a grant
22	under this section shall disclose—
23	"(A) any other grant funding from the De-
24	partment of Justice or from any other Federal
25	department or agency for purposes similar to

1	those described in subsection (a) for which the
2	entity has applied, and which application is
3	pending on the date of the submission of an ap-
4	plication under this section; and
5	"(B) any other such grant funding that
6	the entity has received during the 5 year period
7	prior to the date of the submission of an appli-
8	cation under this section.".
9	(2) Grants for specialized technical as-
10	SISTANCE AND TRAINING PROGRAMS.—Section 214A
11	of the Victims of Child Abuse Act of 1990 (42
12	U.S.C. 13003) is amended by inserting at the end
13	the following:
14	"(d) Oversight and Accountability.—
15	"(1) ACCOUNTABILITY REQUIREMENT.—A
16	grant recipient under this section is subject to the
17	requirements of section 10 of the Justice for Victims
18	of Trafficking Act of 2014.
19	"(2) Disclosure of additional sources of
20	FEDERAL FUNDING.—An application for a grant
21	under this section shall disclose—
22	"(A) any other grant funding from the De-
23	partment of Justice or from any other Federal
24	department or agency for purposes similar to
25	those described in subsection (a) for which the

1	organization has applied, and which application
2	is pending on the date of the submission of an
3	application under this section; and
4	"(B) any other such grant funding that
5	the organization has received during the 5 year
6	period prior to the date of the submission of an
7	application under this section.".
8	SEC. 5. STREAMLINING STATE AND LOCAL HUMAN TRAF-
9	FICKING INVESTIGATIONS.
10	Section 2516(2) of title 18, United States Code, is
11	amended by inserting "human trafficking, child sexual ex-
12	ploitation, child pornography production," after "kidnap-
13	ping,".
14	SEC. 6. ENHANCING HUMAN TRAFFICKING REPORTING.
15	Section 3702 of the Crime Control Act of 1990 (42)
16	U.S.C. 5780) is amended—
17	(1) in paragraph (2), by striking "and" at the
18	end; and
19	(2) in paragraph (4)—
20	(A) in the matter preceding subparagraph
21	(A), by striking "paragraph (2)" and inserting
22	"paragraph (3)";
23	(B) in subparagraph (A), by inserting
24	"and a photograph taken within the previous
25	180 days" after "dental records";

1	(C) in subparagraph (B), by striking
2	"and" at the end;
3	(D) by redesignating subparagraph (C) as
4	subparagraph (D); and
5	(E) by inserting after subparagraph (B)
6	the following:
7	"(C) notify the National Center for Miss-
8	ing and Exploited Children of each report re-
9	ceived relating to a child reported missing from
10	a foster care family home or childcare institu-
11	tion; and".
12	SEC. 7. REDUCING DEMAND FOR SEX TRAFFICKING.
13	Section 1591 of title 18, United States Code, is
14	amended—
15	(1) in subsection (a)(1), by striking "or main-
16	tains" and inserting "maintains, patronizes, or solic-
17	its'';
18	(2) in subsection (b)—
19	(A) in paragraph (1), by striking "or ob-
20	tained" and inserting "obtained, patronized, or
21	solicited"; and
22	(B) in paragraph (2), by striking "or ob-
23	tained" and inserting "obtained, patronized, or
24	solicited"; and
25	(3) in subsection (c)—

1	(A) by striking "or maintained" and in-
2	serting ", maintained, patronized, or solicited";
3	and
4	(B) by striking "knew that the person"
5	and inserting "knew, or recklessly disregarded
6	the fact, that the person".
7	SEC. 8. USING EXISTING TASK FORCES TO TARGET OF-
8	FENDERS WHO EXPLOIT CHILDREN.
9	Not later than 180 days after the date of enactment
10	of this Act, the Attorney General shall ensure that all task
11	forces and working groups within the Violent Crimes
12	Against Children Program engage in activities, programs,
13	or operations to increase the investigative capabilities of
14	State and local law enforcement officers in the detection,
15	investigation, and prosecution of persons who patronize,
16	or solicit children for sex.
17	SEC. 9. HOLDING SEX TRAFFICKERS ACCOUNTABLE.
18	Section 2423(g) of title 18, United States Code, is
19	amended by striking "a preponderance of the evidence"
20	and inserting "clear and convincing evidence".
21	SEC. 10. OVERSIGHT AND ACCOUNTABILITY.
22	(a) Audit Requirement.—In fiscal year 2015, and
23	each fiscal year thereafter, the Inspector General of the
24	Department of Justice shall conduct audits of covered
25	grantees to prevent waste, fraud, and abuse of such funds.

- 1 The Inspector General shall determine the appropriate
- 2 number of covered grantees to be audited each year.
- 3 (b) Mandatory Exclusion.—A covered grantee
- 4 that is found to have an unresolved audit finding shall
- 5 not be eligible for an allocation of grant funds from the
- 6 covered grant program from which it received a grant
- 7 award during the first 2 fiscal years beginning after the
- 8 end of the 12-month period described in subsection (g)(3).
- 9 (c) Reimbursement.—If a covered grantee is
- 10 awarded funds under the covered grant program from
- 11 which it received a grant award during the 2-fiscal year
- 12 period during which the covered grantee is ineligible for
- 13 an allocation of grant funds as a result of subsection (b),
- 14 the Attorney General shall—
- 15 (1) deposit an amount equal to the amount of
- the grant funds that were improperly awarded to the
- 17 covered grantee into the General Fund of the Treas-
- 18 ury; and
- 19 (2) seek to recoup the costs of the repayment
- 20 to the Fund from the covered grantee that was erro-
- 21 neously awarded grant funds.
- 22 (d) Nonprofit Organization Requirements.—
- 23 (1) Definition.—For purposes of this section,
- 24 the term "nonprofit", when used with respect to an
- organization, means an organization that is de-

- scribed in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.
 - (2) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.
 - (3) DISCLOSURE.—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied upon to determine such compensation.

(e) Conference Expenditures.—

(1) LIMITATION.—No amounts made available under a covered grant program may be used to host or support a conference that uses more than \$20,000 in funds made available by the Department of Justice unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written ap-

- proval that the funds may be expended to host or support such conference, except that a conference that uses more than \$20,000 in such funds, but less than \$500 in such funds for each attendee of the conference, shall not be subject to the limitation under this paragraph.
 - (2) WRITTEN APPROVAL.—Written approval under paragraph (1) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.
 - (3) Report.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this subsection.

(f) Prohibition on Lobbying Activity.—

- (1) IN GENERAL.—Amounts made available under a covered grant program may not be used by any covered grantee to—
- (A) lobby any representative of the Department of Justice regarding the award of grant funding; or

1	(B) lobby any representative of the Federal
2	Government or a State, local, or tribal govern-
3	ment regarding the award of grant funding.
4	(2) Penalty.—If the Attorney General deter-
5	mines that a covered grantee has violated paragraph
6	(1), the Attorney General shall—
7	(A) require the covered grantee to repay
8	the grant in full; and
9	(B) prohibit the covered grantee from re-
10	ceiving a grant under the covered grant pro-
11	gram from which it received a grant award dur-
12	ing at least the 5-year period beginning on the
13	date of such violation.
14	(g) Definitions.—In this section, the following defi-
15	nitions apply:
16	(1) The term "covered grant program" means
17	the following:
18	(A) The grant program under section 203
19	of the Trafficking Victims Protection Reauthor-
20	ization Act of 2005 (42 U.S.C. 14044b).
21	(B) The grant programs under section 214
22	and 214A of the Victims of Child Abuse Act of
23	1990 (42 U.S.C. 13002, 13003).
24	(2) The term "covered grantee" means a recipi-
25	ent of a grant from a covered grant program.

(3) The term "unresolved audit finding" means 1 2 an audit report finding in a final audit report of the 3 Inspector General of the Department of Justice that 4 a covered grantee has used grant funds awarded to 5 that grantee under a covered grant program for an 6 unauthorized expenditure or otherwise unallowable 7 cost that is not closed or resolved during the 12-8 month period beginning on the date on which the 9 final audit report is issued.

10 SEC. 11. CRIME VICTIMS' RIGHTS.

- 11 (a) In General.—Section 3771 of title 18, United
- 12 States Code, is amended—
- 13 (1) in subsection (a), by adding at the end the following:
- 15 "(9) The right to be informed in a timely man-16 ner of any plea bargain or deferred prosecution 17 agreement.
- "(10) The right to be informed of the rights
 under this section and the services described in section 503(c) of the Victims' Rights and Restitution
 Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims'
 Rights Ombudsman of the Department of Justice.";
- 24 (2) in subsection (d)(3), in the fifth sentence, 25 by inserting ", unless the litigants, with the approval

1	of the court, have stipulated to a different time pe-
2	riod for consideration" before the period; and
3	(3) in subsection (e)—
4	(A) by striking "this chapter, the term"
5	and inserting the following: "this chapter:
6	"(1) Court of appeals.—The term 'court of
7	appeals' means—
8	"(A) the United States court of appeals for
9	the judicial district in which a defendant is
10	being prosecuted; or
11	"(B) for a prosecution in the Superior
12	Court of the District of Columbia, the District
13	of Columbia Court of Appeals.
14	"(2) Crime Victim.—
15	"(A) IN GENERAL.—The term";
16	(B) by striking "In the case" and inserting
17	the following:
18	"(B) MINORS AND CERTAIN OTHER VIC-
19	TIMS.—In the case"; and
20	(C) by adding at the end the following:
21	"(3) DISTRICT COURT; COURT.—The terms
22	'district court' and 'court' include the Superior
23	Court of the District of Columbia.".
24	(b) Appellate Review of Petitions Relating
25	TO CRIME VICTIMS' RIGHTS.—

- 1 (1) IN GENERAL.—Section 3771(d)(3) of title
 2 18, United States Code, as amended by subsection
 3 (a)(2) of this section, is amended by inserting after
 4 the fifth sentence the following: "In deciding such
 5 application, the court of appeals shall apply ordinary
 6 standards of appellate review.".
- 7 (2) APPLICATION.—The amendment made by 8 paragraph (1) shall apply with respect to any peti-9 tion for a writ of mandamus filed under section 10 3771(d)(3) of title 18, United States Code, that is 11 pending on the date of enactment of this Act.

12 SEC. 12. SENSE OF CONGRESS.

- 13 It is the sense of Congress that—
- (1) child human trafficking (as such term is defined in section 203(i) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b), as added by this Act) has no place in a civilized society, and that persons who commit crimes relating to child human trafficking should be prosecuted to the fullest extent of the law;
 - (2) the United States, as a leader in monitoring and combating human trafficking throughout the world, must hold all nations to the same standards to which we hold our Nation;

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	(3) those who obtain, solicit, or patronize a vic-
2	tim of trafficking for the purpose of engaging in a
3	commercial sex act with that person, are committing
1	a human trafficking offense under Federal law; and
5	(4) the demand for commercial sex is a primary
5	cause of the human rights violation of human traf-
7	ficking, and the elimination of that human rights
3	violation requires the elimination of that demand.
	Passed the House of Representatives May 20, 2014.
	Attest:

Clerk.

113TH CONGRESS H. R. 3530

AN ACT

To provide justice for the victims of trafficking.