

113TH CONGRESS  
1ST SESSION

# S. 1738

To provide justice for the victims of trafficking.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2013

Mr. CORNYN (for himself, Mr. WYDEN, Mr. KIRK, Ms. KLOBUCHAR, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 2013”.

6       **SEC. 2. DOMESTIC TRAFFICKING VICTIMS’ FUND.**

7       (a) IN GENERAL.—Chapter 201 of title 18, United  
8       States Code, is amended by adding at the end the fol-  
9       lowing:

1 **“§ 3014. Additional special assessment**

2 “(a) In addition to the assessment imposed under  
3 section 3013, the court shall assess an amount of \$5,000  
4 on any person or entity convicted of an offense under—

5 “(1) chapter 77 (relating to peonage, slavery,  
6 and trafficking in persons);

7 “(2) chapter 109A (relating to sexual abuse);

8 “(3) chapter 110 (relating to sexual exploitation  
9 and other abuse of children);

10 “(4) chapter 117 (relating to transportation for  
11 illegal sexual activity and related crimes); or

12 “(5) section 274 of the Immigration and Na-  
13 tionality Act (8 U.S.C. 1324) (relating to human  
14 smuggling), unless the person induced, assisted,  
15 abetted, or aided only an individual who at the time  
16 of such action was the alien’s spouse, parent, son, or  
17 daughter (and no other individual) to enter the  
18 United States in violation of law.

19 “(b) An assessment under subsection (a) shall not be  
20 payable until the person subject to the assessment has sat-  
21 isfied all outstanding court-ordered fines and orders of  
22 restitution arising from the criminal convictions on which  
23 the special assessment is based.

24 “(c) There is established in the Treasury of the  
25 United States a fund, to be known as the ‘Domestic Traf-  
26 ficking Victims’ Fund’ (referred to in this section as the

1 ‘Fund’), to be administered by the Attorney General, in  
2 consultation with the Secretary of Homeland Security and  
3 the Secretary of Health and Human Services.

4 “(d) Notwithstanding section 3302 of title 31, United  
5 States Code, or any other law regarding the crediting of  
6 money received for the Government, there shall be depos-  
7 ited in the Fund an amount equal to the amount of the  
8 assessments collected under this section, which shall re-  
9 main available until expended.

10 “(e)(1) From amounts in the Fund, and without fur-  
11 ther appropriation, the Attorney General, in coordination  
12 with the Secretary of Health and Human Services shall,  
13 for each of fiscal years 2015 through 2019, use amounts  
14 available in the Fund to award grants or enhance victims’  
15 programming under—

16 “(A) sections 202, 203, and 204 of the Traf-  
17 ficking Victims Protection Reauthorization Act of  
18 2005 (42 U.S.C. 14044a, 14044b, and 14044c);

19 “(B) subsections (b)(2) and (f) of section 107  
20 of the Trafficking Victims Protection Act of 2000  
21 (22 U.S.C. 7105); and

22 “(C) section 214(b) of the Victims of Child  
23 Abuse Act of 1990 (42 U.S.C. 13002(b)).

24 “(2) Of the amounts in the Fund used under para-  
25 graph (1), not less than \$2,000,000 shall be used for

1 grants to provide services for child pornography victims  
 2 under section 214(b) of the Victims of Child Abuse Act  
 3 of 1990 (42 U.S.C. 13002(b)).

4 “(f)(1) Effective on the day after the date of enact-  
 5 ment of the Justice for Victims of Trafficking Act of 2013,  
 6 on September 30 of each fiscal year, all unobligated bal-  
 7 ances in the Fund shall be transferred to the Crime Vic-  
 8 tims Fund established under section 1402 of the Victims  
 9 of Crime Act of 1984 (42 U.S.C. 10601).

10 “(2) Amounts transferred under paragraph (1)—

11 “(A) shall be available for any authorized pur-  
 12 pose of the Crime Victims Fund; and

13 “(B) shall remain available until expended.

14 “(g) The amount assessed under subsection (a) shall,  
 15 subject to subsection (b), be collected in the manner that  
 16 fines are collected in criminal cases.

17 “(h) The obligation to pay an assessment imposed on  
 18 or after the date of enactment of the Justice for Victims  
 19 of Trafficking Act of 2013 shall not cease until the assess-  
 20 ment is paid in full.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—

22 The table of sections for chapter 201 of title 18, United  
 23 States Code, is amended by inserting after the item relat-  
 24 ing to section 3013 the following:

“3014. Additional special assessment.”.

1 **SEC. 3. OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF**  
2 **HUMAN TRAFFICKING.**

3 Section 107(f) of the Trafficking Victims Protection  
4 Act of 2000 (22 U.S.C. 7105) is amended by adding at  
5 the end the following:

6 “(4) OFFICIAL RECOGNITION OF AMERICAN VIC-  
7 TIMS OF HUMAN TRAFFICKING.—

8 “(A) IN GENERAL.—Upon receiving cred-  
9 ible information that establishes by a prepon-  
10 derance of the evidence that a covered indi-  
11 vidual is a victim of a severe form of trafficking  
12 and at the request of the covered individual, the  
13 Secretary of Health and Human Services shall  
14 promptly issue a determination that the covered  
15 individual is a victim of a severe form of traf-  
16 ficking. The Secretary shall have exclusive au-  
17 thority to make such a determination.

18 “(B) COVERED INDIVIDUAL DEFINED.—In  
19 this subsection, the term ‘covered individual’  
20 means—

21 “(i) a citizen of the United States; or

22 “(ii) an alien lawfully admitted for  
23 permanent residence (as that term is de-  
24 fined in section 101(20) of the Immigra-  
25 tion and Nationality Act (8 U.S.C.  
26 1101(20))).

1           “(C) PROCEDURE.—For purposes of this  
2 paragraph, in determining whether a covered  
3 individual has provided credible information  
4 that the covered individual is a victim of a se-  
5 vere form of trafficking, the Secretary of  
6 Health and Human Services shall consider all  
7 relevant and credible evidence, and if appro-  
8 priate, consult with the Attorney General, the  
9 Secretary of Homeland Security, or the Sec-  
10 retary of Labor.

11           “(D) PRESUMPTIVE EVIDENCE.—For pur-  
12 poses of this paragraph, the following forms of  
13 evidence shall receive deference in determining  
14 whether a covered individual has established  
15 that the covered individual is a victim of a se-  
16 vere form of trafficking:

17           “(i) A sworn statement by the covered  
18 individual or a representative of the cov-  
19 ered individual if the covered individual is  
20 present at the time of such statement but  
21 not able to competently make such sworn  
22 statement.

23           “(ii) Police, government agency, or  
24 court records or files.

1           “(iii) Documentation from a social  
2           services, trafficking, or domestic violence  
3           program, child welfare or runaway and  
4           homeless youth program, or a legal, clin-  
5           ical, medical, or other professional from  
6           whom the covered individual has sought as-  
7           sistance in dealing with the crime.

8           “(iv) A statement from any other in-  
9           dividual with knowledge of the cir-  
10          cumstances that provided the basis for the  
11          claim.

12          “(v) Physical evidence.

13          “(E) REGULATIONS REQUIRED.—Not later  
14          than 180 days after the date of enactment of  
15          the Justice for Victims of Trafficking Act of  
16          2013, the Secretary of Health and Human  
17          Services shall adopt regulations to implement  
18          this paragraph.

19          “(F) RULE OF CONSTRUCTION; OFFICIAL  
20          RECOGNITION OPTIONAL.—Nothing in this  
21          paragraph shall be construed to require a cov-  
22          ered individual to obtain a determination under  
23          this paragraph in order to be defined or classi-  
24          fied as a victim of a severe form of trafficking  
25          under this section.”.

1 **SEC. 4. VICTIM-CENTERED HUMAN TRAFFICKING DETER-**  
 2 **RENCE BLOCK GRANT PROGRAM.**

3 (a) IN GENERAL.—Section 203 of the Trafficking  
 4 Victims Protection Reauthorization Act of 2005 (42  
 5 U.S.C. 14044b) is amended to read as follows:

6 **“SEC. 203. VICTIM-CENTERED CHILD HUMAN TRAFFICKING**  
 7 **DETERRENCE BLOCK GRANT PROGRAM.**

8 “(a) GRANTS AUTHORIZED.—The Attorney General  
 9 may make block grants to an eligible entity to develop,  
 10 improve, or expand comprehensive domestic child human  
 11 trafficking deterrence programs that assist law enforce-  
 12 ment officers, prosecutors, judicial officials, and qualified  
 13 victims’ services organizations in collaborating to rescue  
 14 and restore the lives of victims, while investigating and  
 15 prosecuting offenses involving child human trafficking.

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

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

23 “(A) identify victims and acts of child  
 24 human trafficking;

25 “(B) address the unique needs of child vic-  
 26 tims of human trafficking;



1           “(C) facilitate the rescue of child victims of  
2 human trafficking;

3           “(D) investigate and prosecute acts of  
4 human trafficking, including the soliciting, pa-  
5 tronizing, or purchasing of commercial sex acts  
6 from children, as well as training to build cases  
7 against complex criminal networks involved in  
8 child human trafficking;

9           “(E) use laws that prohibit acts of child  
10 human trafficking, child sexual abuse, and child  
11 rape, and to assist in the development of State  
12 and local laws to prohibit, investigate, and pros-  
13 ecute acts of child human trafficking; and

14           “(F) implement and provide education on  
15 safe harbor laws enacted by States, aimed at  
16 preventing the criminalization and prosecution  
17 of child sex trafficking victims for prostitution  
18 offenses;

19           “(2) the establishment or enhancement of dedi-  
20 cated anti-trafficking law enforcement units and  
21 task forces to investigate child human trafficking of-  
22 fenses and to rescue victims, including—

23           “(A) funding salaries, in whole or in part,  
24 for law enforcement officers, including patrol  
25 officers, detectives, and investigators, except

1 that the percentage of the salary of the law en-  
2 forcement officer paid for by funds from a  
3 grant awarded under this section shall not be  
4 more than the percentage of the officer's time  
5 on duty that is dedicated to working on cases  
6 involving child human trafficking;

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

9 “(i) wire taps;

10 “(ii) consultants with expertise spe-  
11 cific to cases involving child human traf-  
12 ficking;

13 “(iii) travel; and

14 “(iv) other technical assistance ex-  
15 penditures;

16 “(C) dedicated anti-trafficking prosecution  
17 units, including the funding of salaries for  
18 State and local prosecutors, including assisting  
19 in paying trial expenses for prosecution of child  
20 human trafficking offenders, except that the  
21 percentage of the total salary of a State or local  
22 prosecutor that is paid using an award under  
23 this section shall be not more than the percent-  
24 age of the total number of hours worked by the

1 prosecutor that is spent working on cases in-  
2 volving child human trafficking; and

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

11 “(i) child advocacy centers;

12 “(ii) social service agencies;

13 “(iii) State governmental health serv-  
14 ice agencies;

15 “(iv) housing agencies;

16 “(v) legal services agencies; and

17 “(vi) non-governmental organizations  
18 and shelter service providers with substan-  
19 tial experience in delivering comprehensive  
20 services to victims of child human traf-  
21 ficking; and

22 “(3) the establishment or enhancement of prob-  
23 lem solving court programs for trafficking victims  
24 that include—

1           “(A) mandatory and regular training re-  
2           quirements for judicial officials involved in the  
3           administration or operation of the court pro-  
4           gram described under this paragraph;

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

12          “(C) the development of a specialized and  
13          individualized, court-ordered treatment program  
14          for identified victims of child human trafficking,  
15          including—

16                 “(i) State-administered outpatient  
17                 treatment;

18                 “(ii) life skills training;

19                 “(iii) housing placement;

20                 “(iv) vocational training;

21                 “(v) education;

22                 “(vi) family support services; and

23                 “(vii) job placement;

24          “(D) centralized case management involv-  
25          ing the consolidation of all of each child human

1 trafficking victim’s cases and offenses, and the  
2 coordination of all trafficking victim treatment  
3 programs and social services;

4 “(E) regular and mandatory court appear-  
5 ances by the victim during the duration of the  
6 treatment program for purposes of ensuring  
7 compliance and effectiveness;

8 “(F) the ultimate dismissal of relevant  
9 non-violent criminal charges against the victim,  
10 where such victim successfully complies with the  
11 terms of the court-ordered treatment program;  
12 and

13 “(G) collaborative efforts with child advo-  
14 cacy centers, child welfare agencies, shelters,  
15 and non-governmental organizations to provide  
16 comprehensive services to victims and encour-  
17 age cooperation with law enforcement.

18 “(c) APPLICATION.—

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

23 “(2) REQUIRED INFORMATION.—An application  
24 submitted under this subsection shall—

1           “(A) describe the activities for which as-  
2           sistance under this section is sought;

3           “(B) include a detailed plan for the use of  
4           funds awarded under the grant; and

5           “(C) provide such additional information  
6           and assurances as the Attorney General deter-  
7           mines to be necessary to ensure compliance  
8           with the requirements of this section.

9           “(3) PREFERENCE.—In reviewing applications  
10          submitted in accordance with paragraphs (1) and  
11          (2), the Attorney General shall give preference to  
12          grant applications if—

13           “(A) the application includes a plan to use  
14           awarded funds to engage in all activities de-  
15           scribed under paragraphs (1) through (3) of  
16           subsection (b); or

17           “(B) the application includes a plan by the  
18           State or unit of local government to continue  
19           funding of all activities funded by the award  
20           after the expiration of the award.

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

22           “(1) IN GENERAL.—A grant under this section  
23           shall expire 1 year after the date of award of the  
24           grant.

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

4           “(e) EVALUATION.—The Attorney General shall  
5           enter into a contract with an academic or non-profit orga-  
6           nization that has experience in issues related to child  
7           human trafficking and evaluation of grant programs to  
8           conduct an annual evaluation of grants made under this  
9           section to determine the impact and effectiveness of pro-  
10          grams funded with grants awarded under this section.

11          “(f) MANDATORY EXCLUSION.—An eligible entity  
12          awarded funds under this section that is found to have  
13          used grant funds for any unauthorized expenditure or oth-  
14          erwise unallowable cost shall not be eligible for any grant  
15          funds awarded under the block grant for 2 fiscal years  
16          following the year in which the unauthorized expenditure  
17          or unallowable cost is reported.

18          “(g) COMPLIANCE REQUIREMENT.—An eligible enti-  
19          ty shall not be eligible to receive a grant under this section  
20          if within the 5 fiscal years before submitting an applica-  
21          tion for a grant under this section, the grantee has been  
22          found to have violated the terms or conditions of a Govern-  
23          ment grant program by utilizing grant funds for unauthor-  
24          ized expenditures or otherwise unallowable costs.

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

5       “(i) FEDERAL SHARE.—The Federal share of the  
6       cost of a program funded by a grant awarded under this  
7       section shall be—

8               “(1) 70 percent in the first year;

9               “(2) 60 percent in the second year; and

10              “(3) 50 percent in the third year.

11       “(j) AUTHORIZATION OF FUNDING; FULLY OFF-  
12       SET.—For purposes of carrying out this section, the At-  
13       torney General, in consultation with the Secretary of  
14       Health and Human Services, is authorized to award not  
15       more than \$7,000,000 of the funds available in the Do-  
16       mestic Trafficking Victims’ Fund, established under sec-  
17       tion 3014 of title 18, United States Code, for each of fiscal  
18       years 2015 through 2019.

19       “(k) DEFINITIONS.—In this section—

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

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



1           “(3) the term ‘child human trafficking’ means  
2 1 or more severe forms of trafficking in persons (as  
3 defined in section 103 of the Trafficking Victims  
4 Protection Act of 2000 (22 U.S.C. 7102)) involving  
5 a victim who is a child; and

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

8           “(A) has significant criminal activity in-  
9 volving child human trafficking;

10           “(B) has demonstrated cooperation be-  
11 tween Federal, State, local, and, where applica-  
12 ble, tribal law enforcement agencies, prosecu-  
13 tors, and social service providers in addressing  
14 child human trafficking;

15           “(C) has developed a workable, multi-dis-  
16 ciplinary plan to combat child human traf-  
17 ficking, including—

18           “(i) the establishment of a shelter for  
19 victims of child human trafficking, through  
20 existing or new facilities;

21           “(ii) the provision of trauma-in-  
22 formed, gender-responsive rehabilitative  
23 care to victims of child human trafficking;

24           “(iii) the provision of specialized  
25 training for law enforcement officers and

1 social service providers for all forms of  
2 human trafficking, with a focus on domes-  
3 tic child human trafficking;

4 “(iv) prevention, deterrence, and pros-  
5 ecution of offenses involving child human  
6 trafficking, including soliciting, patron-  
7 izing, or purchasing human acts with chil-  
8 dren;

9 “(v) cooperation or referral agree-  
10 ments with organizations providing out-  
11 reach or other related services to runaway  
12 and homeless youth;

13 “(vi) law enforcement protocols or  
14 procedures to screen all individuals ar-  
15 rested for prostitution, whether adult or  
16 child, for victimization by sex trafficking  
17 and by other crimes, such as sexual assault  
18 and domestic violence; and

19 “(vii) cooperation or referral agree-  
20 ments with State child welfare agencies  
21 and child advocacy centers;

22 “(D) has a victim certification process for  
23 eligibility and access to State-administered  
24 medical care to ensure that minor victims of  
25 human trafficking who are not eligible for in-

1           terim assistance under section 107(b)(1)(F) of  
2           the Trafficking Victims Protection Act of 2000  
3           (22 U.S.C. 7105(b)(1)(F)) are granted eligi-  
4           bility for, and have access to, State-adminis-  
5           tered medical care immediately upon certifi-  
6           cation as such a victim, or as soon as prac-  
7           ticable thereafter but not later than the period  
8           determined by the Assistant Attorney General  
9           in consultation with the Assistant Secretary for  
10          Children and Families of the Department; and

11                   “(E) provides an assurance that, under the  
12           plan under subparagraph (C), a victim of child  
13           human trafficking shall not be required to col-  
14           laborate with law enforcement officers to have  
15           access to any shelter or services provided with  
16           a grant under this section.

17          “(I) GRANT ACCOUNTABILITY; SPECIALIZED VIC-  
18          TIMS’ SERVICE REQUIREMENT.—No grant funds under  
19          this section may be awarded or transferred to any entity  
20          unless such entity has demonstrated substantial experi-  
21          ence providing services to victims of human trafficking or  
22          related populations (such as runaway and homeless  
23          youth), or employs staff specialized in the treatment of  
24          human trafficking victims.”.

1 (b) TABLE OF CONTENTS.—The table of contents in  
 2 section 1(b) of the Trafficking Victims Protection Reau-  
 3 thorization Act of 2005 (22 U.S.C. 7101 note) is amended  
 4 by striking the item relating to section 203 and inserting  
 5 the following:

“Sec. 203. Victim-centered child human trafficking deterrence block grant pro-  
 gram.”.

6 **SEC. 5. DIRECT SERVICES FOR VICTIMS OF CHILD PORNOG-**  
 7 **RAPHY.**

8 The Victims of Child Abuse Act of 1990 (42 U.S.C.  
 9 13001 et seq.) is amended—

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

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

15 (A) by redesignating subsections (b), (c),  
 16 and (d) as subsections (c), (d), and (e), respec-  
 17 tively; and

18 (B) by inserting after subsection (a) the  
 19 following:

20 “(b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-  
 21 NOGRAPHY.—The Administrator, in coordination with the  
 22 Director and with the Director of the Office of Victims  
 23 of Crime, may make grants to develop and implement spe-

1 cialized programs to identify and provide direct services  
 2 to victims of child pornography.”.

3 **SEC. 6. INCREASING RESTITUTION FOR TRAFFICKING VIC-**  
 4 **TIMS.**

5 (a) TITLE 18 AMENDMENTS.—Section 1594 of title  
 6 18, United States Code, is amended—

7 (1) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “that was used or” and  
 10 inserting “that was involved in, used, or”;

11 (ii) by inserting “or any property  
 12 traceable to such property” after “such  
 13 violation”; and

14 (iii) in paragraph (2), by inserting “,  
 15 or any property traceable to such prop-  
 16 erty” after “such violation”; and

17 (B) in subsection (e)(1)(A)—

18 (i) by striking “Any property, real or  
 19 personal, used or” and inserting “Any  
 20 property, real or personal, involved in,  
 21 used, or”; and

22 (ii) by inserting “, or any property  
 23 traceable to such property” after “any vio-  
 24 lation of this chapter”;

1           (2) by redesignating subsection (f) as sub-  
2           section (g); and

3           (3) by inserting after subsection (e) the fol-  
4           lowing:

5           “(f) Notwithstanding any other provision of law, the  
6           Attorney General shall transfer assets forfeited pursuant  
7           to this section, or the proceeds derived from the sale there-  
8           of, to satisfy victim restitution orders arising from viola-  
9           tions of this chapter. Such transfers shall have priority  
10          over any other claims to the assets or their proceeds.”.

11          (b) TITLE 28 AMENDMENT.—Section 524(c)(1)(B)  
12          of title 28, United States Code, is amended by inserting  
13          “chapter 77 of title 18,” after “criminal drug laws of the  
14          United States or of”.

15          (c) TITLE 31 AMENDMENT.—Section 9703(a)(2)(B)  
16          of title 31, United States Code (relating to the Depart-  
17          ment of the Treasury Forfeiture Fund), is amended—

18                 (1) in clause (iii)(III), by striking “and” at the  
19                 end;

20                 (2) in clause (iv), by striking the period at the  
21                 end and inserting “; and”; and

22                 (3) by inserting after clause (iv) the following:

23                         “(v) the United States Immigration  
24                         and Customs Enforcement with respect to

1 a violation of chapter 77 of title 18 (relat-  
2 ing to human trafficking).”.

3 **SEC. 7. STREAMLINING STATE AND LOCAL HUMAN TRAF-  
4 FICKING INVESTIGATIONS.**

5 Section 2516(2) of title 18, United States Code, is  
6 amended by inserting “human trafficking, child sexual ex-  
7 ploitation, child pornography production,” after “kidnap-  
8 ping,”.

9 **SEC. 8. FIGHTING COMPLEX CRIMINAL ENTERPRISES EN-  
10 GAGED IN HUMAN TRAFFICKING.**

11 (a) IN GENERAL.—Chapter 96 of title 18, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing:

14 **“SEC. 1969. AGGRAVATED HUMAN TRAFFICKING RACKET-  
15 EERING.**

16 “(a) DEFINITIONS.—In this section—

17 “(1) the term ‘aggravated human-trafficking  
18 racketeering activity’ means any activity that—

19 “(A) is a racketeering activity (as defined  
20 in section 1961(1)); and

21 “(B) includes—

22 “(i) any act or threat involving mur-  
23 der, kidnapping, human trafficking, sexual  
24 exploitation, coerced prostitution, or the  
25 production of child pornography, which is

1 chargeable under State law and punishable  
2 by imprisonment for more than 1 year (as  
3 amended or revised as of the date on which  
4 the activity occurred or, in the instance of  
5 a continuing offense, the date on which the  
6 charges under this section are filed in a  
7 particular matter); or

8 “(ii) any act that is indictable under  
9 (as amended or revised as of the date on  
10 which the activity occurred or, in the in-  
11 stance of a continuing offense, the date on  
12 which charges under this section are filed  
13 in a particular matter)—

14 “(I) sections 1581 through 1592  
15 (relating to peonage, slavery, and traf-  
16 ficking in persons);

17 “(II) section 1958 (relating to  
18 use of interstate commerce facilities in  
19 the commission of murder-for-hire);

20 “(III) section 1959 (relating to  
21 violent crimes in aid of racketeering);

22 “(IV) section 2251, 2251A,  
23 2252, or 2260 (relating to sexual ex-  
24 ploitation of children); or



1                   “(V) sections 2421 through 2424  
2                   (relating to slave traffic); and

3                   “(2) the term ‘enterprise’ has the meaning  
4                   given the term in section 1961.

5                   “(b) PROHIBITED ACTIVITIES.—It shall be unlawful  
6 for any person to participate, directly or indirectly, in or  
7 relating to the affairs of any enterprise engaged in, or the  
8 activities of which affect, interstate or foreign commerce,  
9 if—

10                   “(1)(A) such participation within the enterprise  
11 includes committing or causing to be committed 2 or  
12 more acts of aggravated human-trafficking racket-  
13 eering activity in or relating to the affairs of the en-  
14 terprise; or

15                   “(B) such participation within the enterprise  
16 includes any act of participation with the intention  
17 that some known or unknown participant or partici-  
18 pants within the enterprise would commit, or would  
19 cause to be committed, individually or collectively, 2  
20 or more acts of aggravated human-trafficking rack-  
21 eteering activity in or relating to the affairs of the  
22 enterprise.

23                   “(c) CONSPIRACY.—It shall be unlawful for any per-  
24 son to conspire to violate subsection (b).

25                   “(d) CRIMINAL PENALTIES.—

1           “(1) IN GENERAL.—Whoever violates this sec-  
2           tion shall be punished in accordance with section  
3           1963.

4           “(2) CLARIFICATION OF PUNISHABLE OF-  
5           FENSES.—Any person prosecuted under this section  
6           may be both convicted and sentenced in any court of  
7           competent jurisdiction for any combination of the  
8           following:

9                   “(A) The offense of conspiring to violate  
10                  this section, and for any other particular of-  
11                  fense or offenses that may be an object of the  
12                  conspiracy.

13                   “(B) Any violation of this section.

14                   “(C) Any aggravated human-trafficking  
15                  racketeering activity.”.

16           (b) PENALTIES.—Section 1963 of title 18, United  
17           States Code, is amended by inserting “or section 1969”  
18           after “section 1962” each place it appears.

19           (c) VIOLENT CRIMES IN AID OF RACKETEERING.—  
20           Section 1959 of title 18, United States Code, is amend-  
21           ed—

22                   (1) in subsection (a)—

23                           (A) by inserting “or aggravated human-  
24                           trafficking racketeering activity” before “, or  
25                           for the purpose”; and

1 (B) by striking “murders, kidnaps,  
 2 maims” and inserting “aggravated human traf-  
 3 ficking racketeering activity, murders, kidnaps,  
 4 human trafficking, sexual exploitation, coerced  
 5 prostitution, maims”; and

6 (2) in subsection (b)—

7 (A) by redesignating paragraphs (1) and  
 8 (2) as paragraphs (2) and (3), respectively; and

9 (B) by inserting before paragraph (2), as  
 10 redesignated, the following:

11 “(1) ‘aggravated human-trafficking racket-  
 12 eering activity’ has the meaning given the term in  
 13 section 1969;”.

14 (d) TABLE OF SECTIONS.—The table of sections for  
 15 chapter 96 of title 18, United States Code, is amended  
 16 by inserting after the item relating to section 1968 the  
 17 following:

“1969. Aggravated human trafficking racketeering.”.

18 **SEC. 9. ENHANCING HUMAN TRAFFICKING REPORTING.**

19 (a) IN GENERAL.—Section 505 of title I of the Omni-  
 20 bus Crime Control and Safe Streets Act of 1968 (42  
 21 U.S.C. 3755) is amended by adding at the end the fol-  
 22 lowing:

23 “(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN  
 24 TRAFFICKING.—For purposes of this section, the term  
 25 ‘part 1 violent crimes’ shall include severe forms of traf-

1 ficking in persons, as defined in section 103 of the Traf-  
2 ficking Victims Protection Act of 2000 (22 U.S.C.  
3 7102).”.

4 (b) CRIME CONTROL ACT AMENDMENTS.—Section  
5 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780)  
6 is amended—

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

9 (2) in paragraph (4)—

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

13 (B) in subparagraph (A), by inserting  
14 “and a photograph taken within the previous  
15 180 days” after “dental records”;

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

18 (D) by redesignating subparagraph (C) as  
19 subparagraph (D); and

20 (E) by inserting after subparagraph (B)  
21 the following:

22 “(C) notify the National Center for Miss-  
23 ing and Exploited Children of each report re-  
24 ceived relating to a child reported missing from

1 a foster care family home or childcare institu-  
2 tion; and”.

3 **SEC. 10. REDUCING DEMAND FOR SEX TRAFFICKING.**

4 (a) IN GENERAL.—Section 1591 of title 18, United  
5 States Code, is amended—

6 (1) in subsection (a)(1), by striking “or main-  
7 tains” and inserting “maintains, patronizes, or solie-  
8 its”;

9 (2) in subsection (b)—

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

13 (B) in paragraph (2), by striking “or ob-  
14 tained” and inserting “obtained, patronized, or  
15 solicited”; and

16 (3) in subsection (c)—

17 (A) by striking “or maintained” and in-  
18 serting “, maintained, patronized, or solicited”;  
19 and

20 (B) by striking “knew that the person”  
21 and inserting “knew, or recklessly disregarded  
22 the fact, that the person”.

23 (b) DEFINITION AMENDED.—Section 103(10) of the  
24 Trafficking Victims Protection Act of 2000 (22 U.S.C.

1 7102(10)) is amended by striking “or obtaining” and in-  
 2 serting “obtaining, patronizing, or soliciting”.

3 **SEC. 11. USING EXISTING TASK FORCES TO TARGET OF-**  
 4 **FENDERS WHO EXPLOIT CHILDREN.**

5 Not later than 180 days after the date of enactment  
 6 of this Act, the Attorney General shall ensure that all task  
 7 forces and working groups within the Innocence Lost Na-  
 8 tional Initiative engage in activities, programs, or oper-  
 9 ations to increase the investigative capabilities of State  
 10 and local law enforcement officers in the detection, inves-  
 11 tigation, and prosecution of persons who patronize, or so-  
 12 licit children for sex.

13 **SEC. 12. ENHANCED PENALTIES FOR HUMAN TRAFFICKING,**  
 14 **CHILD EXPLOITATION, AND REPEAT OFFEND-**  
 15 **ERS.**

16 Part 1 of title 18, United States Code, is amended—

17 (1) in chapter 77—

18 (A) in section 1583(a), in the flush text  
 19 following paragraph (3), by striking “not more  
 20 than 20 years” and inserting “not more than  
 21 30 years”;

22 (B) in section 1587, by striking “four  
 23 years” and inserting “10 years”; and

24 (C) in section 1591(d), by striking “20  
 25 years” and inserting “25 years”; and

1           (2) in section 2426(a), by striking “twice” and  
2           inserting “3 times”.

3 **SEC. 13. HOLDING SEX TRAFFICKERS ACCOUNTABLE.**

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

7 **SEC. 14. COMBATING SEX TOURISM.**

8           Section 2423 of title 18, United States Code is  
9 amended—

10           (1) in subsection (b), by striking “for the pur-  
11           pose” and inserting “with a motivating purpose of”;  
12           and

13           (2) in subsection (d), by striking “for the pur-  
14           pose of engaging” and inserting “with a motivating  
15           purpose of engaging”.

16 **SEC. 15. GRANT ACCOUNTABILITY.**

17           (a) DEFINITION.—In this section, the term “covered  
18 grant” means a grant awarded by the Attorney General  
19 under section 203 of the Trafficking Victims Protection  
20 Reauthorization Act (42 U.S.C. 14044b).

21           (b) ACCOUNTABILITY.—All covered grants shall be  
22 subject to the following accountability provisions:

23           (1) AUDIT REQUIREMENT.—

24                   (A) DEFINITION.—In this paragraph, the  
25           term “unresolved audit finding” means an audit

1 report finding in the final audit report of the  
2 Inspector General of the Department of Justice  
3 that the grantee has used grant funds for an  
4 unauthorized expenditure or otherwise unallow-  
5 able cost that is not closed or resolved during  
6 the 12-month period beginning on the date on  
7 which the final audit report is issued.

8 (B) REQUIREMENT.—Beginning in the  
9 first fiscal year beginning after the date of en-  
10 actment of this Act, and in each fiscal year  
11 thereafter, the Inspector General of the Depart-  
12 ment of Justice shall conduct audits of recipi-  
13 ents of covered grants to prevent waste, fraud,  
14 and abuse of funds by grantees. The Inspector  
15 General shall determine the appropriate number  
16 of grantees to be audited each year.

17 (C) MANDATORY EXCLUSION.—A recipient  
18 of a covered grant that is found to have an un-  
19 resolved audit finding shall not be eligible to re-  
20 ceive a covered grant during the first 2 fiscal  
21 years beginning after the end of the 12-month  
22 period described in subparagraph (A).

23 (D) PRIORITY.—In awarding covered  
24 grants, the Attorney General shall give priority  
25 to eligible applicants that did not have an unre-



1           solved audit finding during the 3 fiscal years  
2           before submitting an application for a covered  
3           grant.

4           (E) REIMBURSEMENT.—If an entity is  
5           awarded a covered grant during the 2-fiscal-  
6           year period during which the entity is barred  
7           from receiving grants under subparagraph (C),  
8           the Attorney General shall—

9                   (i) deposit an amount equal to the  
10                   amount of the grant funds that were im-  
11                   properly awarded to the grantee into the  
12                   General Fund of the Treasury; and

13                   (ii) seek to recoup the costs of the re-  
14                   payment to the fund from the grant recipi-  
15                   ent that was erroneously awarded grant  
16                   funds.

17           (2) NONPROFIT ORGANIZATION REQUIRE-  
18           MENTS.—

19                   (A) DEFINITION.—For purposes of this  
20                   paragraph and covered grants, the term “non-  
21                   profit organization” means an organization that  
22                   is described in section 501(c)(3) of the Internal  
23                   Revenue Code of 1986 and is exempt from tax-  
24                   ation under section 501(a) of such Code.

1           (B) PROHIBITION.—The Attorney General  
2           may not award a covered grant to a nonprofit  
3           organization that holds money in offshore ac-  
4           counts for the purpose of avoiding paying the  
5           tax described in section 511(a) of the Internal  
6           Revenue Code of 1986.

7           (C) DISCLOSURE.—Each nonprofit organi-  
8           zation that is awarded a covered grant and uses  
9           the procedures prescribed in regulations to cre-  
10          ate a rebuttable presumption of reasonableness  
11          for the compensation of its officers, directors,  
12          trustees, and key employees, shall disclose to  
13          the Attorney General, in the application for the  
14          grant, the process for determining such com-  
15          pensation, including the independent persons  
16          involved in reviewing and approving such com-  
17          pensation, the comparability data used, and  
18          contemporaneous substantiation of the delibera-  
19          tion and decision. Upon request, the Attorney  
20          General shall make the information disclosed  
21          under this subparagraph available for public in-  
22          spection.

23          (3) CONFERENCE EXPENDITURES.—

24                 (A) LIMITATION.—No amounts authorized  
25                 to be appropriated to the Department of Justice

1 under this Act may be used by the Attorney  
2 General, or by any individual or entity awarded  
3 discretionary funds through a cooperative  
4 agreement under this Act or an Act amended  
5 by this Act, to host or support any expenditure  
6 for conferences that uses more than \$20,000 in  
7 funds made available to the Department of Jus-  
8 tice, unless the Deputy Attorney General or the  
9 appropriate Assistant Attorney General, Direc-  
10 tor, or principal deputy (as designated by the  
11 Deputy Attorney General) provides prior writ-  
12 ten authorization that the funds may be ex-  
13 pended to host the conference.

14 (B) WRITTEN APPROVAL.—Written ap-  
15 proval under subparagraph (A) shall include a  
16 written estimate of all costs associated with the  
17 conference, including the cost of all food, bev-  
18 erages, audio-visual equipment, honoraria for  
19 speakers, and entertainment.

20 (C) REPORT.—The Deputy Attorney Gen-  
21 eral shall submit an annual report to the Com-  
22 mittee on the Judiciary of the Senate and the  
23 Committee on the Judiciary of the House of  
24 Representatives on all conference expenditures  
25 approved under this paragraph.

1           (4) ANNUAL CERTIFICATION.—Beginning in the  
2 first fiscal year beginning after the date of enact-  
3 ment of this Act, the Attorney General shall submit,  
4 to the Committee on the Judiciary and the Com-  
5 mittee on Appropriations of the Senate and the  
6 Committee on the Judiciary and the Committee on  
7 Appropriations of the House of Representatives, an  
8 annual certification indicating whether—

9           (A) all audits issued by the Office of the  
10 Inspector General under paragraph (1) have  
11 been completed and reviewed by the appropriate  
12 Assistant Attorney General or Director;

13           (B) all mandatory exclusions required  
14 under paragraph (1)(C) have been issued;

15           (C) all reimbursements required under  
16 paragraph (1)(E) have been made; and

17           (D) includes a list of any grant recipients  
18 excluded under paragraph (1) from the previous  
19 year.

○