

Suspend the Rules and Pass the Bill, H.R. 181, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 181

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

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”.

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

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

6 (1) by redesignating subsection (g) as sub-
7 section (j);

8 (2) by striking subsections (a) through (f), and
9 inserting the following:

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

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

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

25 “(A) identify victims and acts of child
26 human trafficking;

1 “(B) address the unique needs of victims
2 of child human trafficking;

3 “(C) facilitate the rescue of victims of child
4 human trafficking;

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

11 “(E) implement and provide education on
12 safe harbor laws enacted by States, aimed at
13 preventing the criminalization and prosecution
14 of victims of child human trafficking for pros-
15 titution offenses;

16 “(2) the establishment or enhancement of dedi-
17 cated anti-child human trafficking law enforcement
18 units and task forces to investigate child human
19 trafficking offenses and to rescue victims, includ-
20 ing—

21 “(A) funding salaries, in whole or in part,
22 for law enforcement officers, including patrol
23 officers, detectives, and investigators, except
24 that the percentage of the salary of the law en-
25 forcement officer paid for by funds from a

1 grant awarded under this section shall not be
2 more than the percentage of the officer's time
3 on duty that is dedicated to working on cases
4 involving child human trafficking;

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

7 “(i) wire taps;

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

11 “(iii) travel; and

12 “(iv) other technical assistance ex-
13 penditures;

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

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

9 “(i) child advocacy centers;

10 “(ii) social service agencies;

11 “(iii) State governmental health serv-
12 ice agencies;

13 “(iv) housing agencies;

14 “(v) legal services agencies; and

15 “(vi) non-governmental organizations
16 and shelter service providers with substan-
17 tial experience in delivering services to vic-
18 tims of child human trafficking;

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

22 “(A) continuing judicial supervision of vic-
23 tims of child human trafficking who have been
24 identified by a law enforcement or judicial offi-
25 cer as a potential victim of child human traf-

1 ficking, regardless of whether the victim has
2 been charged with a crime related to human
3 trafficking;

4 “(B) the development of specialized and in-
5 dividualized treatment programs for identified
6 victims of child human trafficking, including—

7 “(i) State-administered outpatient
8 treatment;

9 “(ii) life skills training;

10 “(iii) housing placement;

11 “(iv) vocational training;

12 “(v) education;

13 “(vi) family support services; and

14 “(vii) job placement; and

15 “(C) collaborative efforts with child advo-
16 cacy centers, child welfare agencies, shelters,
17 and non-governmental organizations to provide
18 services to victims and encourage cooperation
19 with law enforcement; and

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

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

1 “(B) 24-hour emergency social services re-
2 sponse systems; and

3 “(C) counseling and case management
4 services.

5 “(c) APPLICATION.—

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

10 “(2) REQUIRED INFORMATION.—An application
11 submitted under this subsection shall—

12 “(A) disclose—

13 “(i) any other grant funding from the
14 Department of Justice or from any other
15 Federal department or agency for purposes
16 similar to those described in subsection (b)
17 for which the eligible entity has applied,
18 and which application is pending on the
19 date of the submission of an application
20 under this section; and

21 “(ii) any other such grant funding
22 that the eligible entity has received during
23 the 5-year period prior to the date of the
24 submission of an application under this
25 section;

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

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

5 “(D) 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) and (2) of sub-
16 section (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 or other agreement with an academic
6 or non-profit organization that has experience in issues re-
7 lated to child human trafficking and evaluation of grant
8 programs to conduct an annual evaluation of grants made
9 under this section to determine the impact and effective-
10 ness of programs funded with grants awarded under this
11 section, and shall submit any such evaluation to the Com-
12 mittee on the Judiciary of the House of Representatives
13 and the Committee on the Judiciary of the Senate.

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

18 “(g) ADMINISTRATIVE CAP.—The cost of admin-
19 istering the grants authorized by this section shall not ex-
20 ceed 5 percent of the total amount appropriated to carry
21 out this section.

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

25 “(1) 70 percent in the first year;

1 “(2) 60 percent in the second year; and

2 “(3) 50 percent in the third year.

3 “(i) DEFINITIONS.—In this section—

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

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

9 “(3) the term ‘child human trafficking’ means
10 1 or more severe forms of trafficking in persons (as
11 defined in section 103 of the Trafficking Victims
12 Protection Act of 2000 (22 U.S.C. 7102)) involving
13 a victim who is a child; and

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

16 “(A) has significant criminal activity in-
17 volving child human trafficking;

18 “(B) has demonstrated cooperation be-
19 tween Federal, State, local, and, where applica-
20 ble, tribal law enforcement agencies, prosecu-
21 tors, and social service providers in addressing
22 child human trafficking; and

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

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

2 (A) by striking “Secretary of Health and
3 Human Services” and inserting “Attorney Gen-
4 eral, in consultation with the Secretary of
5 Health and Human Services,”; and

6 (B) by striking “fiscal years 2008 through
7 2011” and inserting “fiscal years 2015 through
8 2019”.

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

10 **ACT OF 1990.**

11 The Victims of Child Abuse Act of 1990 (42 U.S.C.
12 13001 et seq.) is amended—

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

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

18 (A) by redesignating subsections (b), (c),
19 and (d) as subsections (c), (d), and (e), respec-
20 tively; and

21 (B) by inserting after subsection (a) the
22 following:

23 “(b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-
24 NOGRAPHY.—The Administrator, in coordination with the
25 Director and with the Director of the Office of Victims

1 of Crime, may make grants to develop and implement spe-
2 cialized programs to identify and provide direct services
3 to victims of child pornography.”.

4 **SEC. 4. STREAMLINING FEDERAL, STATE, AND LOCAL**
5 **HUMAN TRAFFICKING INVESTIGATIONS.**

6 Section 2516 of title 18, United States Code, is
7 amended—

8 (1) in paragraph (1)(C)—

9 (A) by inserting before “section 1591” the
10 following: “section 1581 (peonage; obstructing
11 enforcement), section 1584 (sale into involun-
12 tary servitude), section 1589 (forced labor), sec-
13 tion 1590 (trafficking with respect to peonage,
14 slavery, involuntary servitude, or forced
15 labor),”; and

16 (B) by inserting before “section 1751” the
17 following: “section 1592 (unlawful conduct with
18 respect to documents in furtherance of traf-
19 ficking, peonage, slavery, involuntary servitude,
20 or forced labor),”; and

21 (2) in paragraph (2), by inserting “human traf-
22 ficking, offenses pertaining to child pornography,
23 child sexual abuse, coercion and enticement of chil-
24 dren,” after “kidnapping,”.

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

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

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

6 (2) in paragraph (4)—

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

10 (B) in subparagraph (A), by inserting
11 “and a photograph taken within the previous
12 180 days” after “dental records”;

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

15 (D) by redesignating subparagraph (C) as
16 subparagraph (D); and

17 (E) by inserting after subparagraph (B)
18 the following:

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

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

25 Section 1591 of title 18, United States Code, is
26 amended—

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

4 (2) in subsection (b)—

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

8 (B) in paragraph (2), by striking “or ob-
9 tained” and inserting “obtained, patronized, or
10 solicited”; and

11 (3) in subsection (c)—

12 (A) by striking “or maintained” and in-
13 serting “, maintained, patronized, or solicited”;
14 and

15 (B) by striking “knew that the person”
16 and inserting “knew, or recklessly disregarded
17 the fact, that the person”.

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

20 Not later than 180 days after the date of enactment
21 of this Act, the Attorney General shall ensure that all task
22 forces and working groups within the Violent Crimes
23 Against Children Program engage in activities, programs,
24 or operations to increase the investigative capabilities of
25 State and local law enforcement officers in the detection,

1 investigation, and prosecution of persons who patronize,
2 or solicit children for sex.

3 **SEC. 8. 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. 9. OVERSIGHT AND ACCOUNTABILITY.**

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

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

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

1 (1) deposit an amount equal to the amount of
2 the grant funds that were improperly awarded to the
3 covered grantee into the General Fund of the Treas-
4 ury; and

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

8 (d) NONPROFIT ORGANIZATION REQUIREMENTS.—

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

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

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

1 description of the criteria relied upon to determine
2 such compensation.

3 (e) CONFERENCE EXPENDITURES.—

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

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

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

1 the Judiciary of the House of Representatives on all
2 conference expenditures approved under this sub-
3 section.

4 (f) PROHIBITION ON LOBBYING ACTIVITY.—

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

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

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

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

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

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

24 (g) DEFINITIONS.—In this section, the following defi-
25 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 agreement 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;

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;

20 (5) United States citizens or lawful permanent
21 residents who are victims of severe forms of traf-
22 ficking are not required to obtain an official certifi-
23 cation from the Secretary of Health and Human
24 Services in order to access any of the specialized
25 services described in section 107 of the Trafficking

1 Victims Protection Act of 2000 or any other Federal
2 benefits and protections to which they are otherwise
3 entitled; and

4 (6) as matters stand on the date of enactment
5 of this Act, there are insufficient services and pro-
6 grams for victims of severe forms of human traf-
7 ficking in the United States, including United States
8 citizens and lawful permanent residents.

9 **SEC. 12. CLARIFYING THE BENEFITS AND PROTECTIONS**
10 **OFFERED TO DOMESTIC VICTIMS OF HUMAN**
11 **TRAFFICKING.**

12 Section 107(b) of the Trafficking Victims Protection
13 Act of 2000 (22 U.S.C. 7105(b)) is amended—

14 (1) by redesignating subparagraph (F), as sub-
15 paragraph (G);

16 (2) by redesignating subparagraph (G), as sub-
17 paragraph (H); and

18 (3) by inserting after subparagraph (E) the fol-
19 lowing:

20 “(F) NO REQUIREMENT OF OFFICIAL CER-
21 TIFICATION FOR UNITED STATES CITIZENS AND
22 LAWFUL PERMANENT RESIDENTS.—Nothing in
23 this section may be construed to require United
24 States citizens or lawful permanent residents
25 who are victims of severe forms of trafficking to

1 obtain an official certification from the Sec-
2 retary of Health and Human Services in order
3 to access any of the specialized services de-
4 scribed in this subsection or any other Federal
5 benefits and protections to which they are oth-
6 erwise entitled.”.