

111TH CONGRESS  
1ST SESSION

# S. 2925

To establish a grant program to benefit victims of sex trafficking, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred  
to the Committee on the Judiciary

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## A BILL

To establish a grant program to benefit victims of sex  
trafficking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Trafficking Deterrence  
5 and Victims Support Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Human trafficking is modern-day slavery. It  
9 is the fastest-growing, and second largest, criminal  
10 enterprise in the world. Human trafficking generates

1 an estimated profit of \$32,000,000,000 per year,  
2 world wide.

3 (2) In the United States, human trafficking is  
4 an increasing problem. This criminal enterprise in-  
5 cludes citizens of the United States, many of them  
6 children, who are forced into prostitution, and for-  
7 eigners brought into the country, often under false  
8 pretenses, who are coerced into forced labor or com-  
9 mercial sexual exploitation.

10 (3) Sex trafficking is one of the most lucrative  
11 areas of human trafficking. Criminal gang members  
12 in the United States are increasingly involved in re-  
13 cruiting young women and girls into sex trafficking.  
14 Interviews with gang members indicate that the  
15 gang members regard working as an individual who  
16 solicits customers for a prostitute (commonly known  
17 as a “pimp”) to being as lucrative as trafficking in  
18 drugs, but with a much lower chance of being crimi-  
19 nally convicted.

20 (4) Minors in the United States are highly vul-  
21 nerable for sexual exploitation and sex trafficking.  
22 As many as 2,800,000 children live on the streets.  
23 Of the estimated 1,600,000 children who run away  
24 each year, 77 percent return home within 1 week.  
25 However, 33 percent of children who run away are

1 lured into prostitution within 48 hours of leaving  
2 home.

3 (5) National Incidence Studies of Missing, Ab-  
4 ducted, Runaway and Throwaway Children, the de-  
5 finitive study of episodes of missing children, found  
6 that of the children who are victims of non-family  
7 abduction, runaway or throwaway children, the po-  
8 lice are alerted by family or guardians in only 21  
9 percent of the cases. In 79 percent of cases there is  
10 no report and no police involvement, and therefore  
11 no official attempt to find the child.

12 (6) In 2007, the Administration of Children  
13 and Families, Department of Health and Human  
14 Services, reported to the Federal Government  
15 265,000 cases of serious physical, sexual, or psycho-  
16 logical abuse of children.

17 (7) Experts estimate that over 100,000 children  
18 in the United States are at risk for prostitution.

19 (8) Children who have run away from home are  
20 at a high risk of becoming involved in sex traf-  
21 ficking. Children who have run away multiple times  
22 are at much higher risk of not returning home and  
23 of engaging in prostitution.

24 (9) The vast majority of children involved in sex  
25 trafficking have suffered previous sexual or physical

1 abuse, live in poverty, or have no stable home or  
2 family life. These children require a comprehensive  
3 framework of specialized treatment and mental  
4 health counseling that addresses post-traumatic  
5 stress, depression, and sexual exploitation.

6 (10) The average age of entry into prostitution  
7 is 12. Seventy-five percent of minors engaged in  
8 prostitution have a pimp. A pimp can earn \$200,000  
9 per year prostituting 1 trafficking victim.

10 (11) Sex trafficking is a complex and varied  
11 criminal problem that requires a multi-disciplinary,  
12 cooperative solution. Reducing trafficking will re-  
13 quire the Government to address victims, pimps, and  
14 johns; and to provide training specific to sex traf-  
15 ficking for law enforcement officers and prosecutors,  
16 and child welfare, public health, and other social  
17 service providers. A good model for this type of ap-  
18 proach is the Internet Crimes Against Children task  
19 force program.

20 (12) Human trafficking is a criminal enterprise  
21 that imposes significant costs on the economy of the  
22 United States. Government and non-profit resources  
23 used to address trafficking include those of law en-  
24 forcement, the judicial and penal systems, and social  
25 service providers. Without a range of appropriate

1 treatments to help trafficking victims overcome the  
2 trauma they have experienced, victims will continue  
3 to be involved in crime, unable to support them-  
4 selves, and continue to require Government re-  
5 sources rather than being productive contributors to  
6 the legitimate economy.

7 (13) Many domestic minor sex trafficking vic-  
8 tims are younger than 18 years old and are below  
9 the age of consent. Because trafficking victims have  
10 been forced to engage in prostitution rather than  
11 willfully to committing a crime, these victims should  
12 not be charged as criminal defendants. Instead,  
13 these victims of trafficking should have access to  
14 treatment and services to help them escape and  
15 overcome being sexually exploited, and should also  
16 be allowed to seek appropriate remuneration from  
17 crime victims' compensation funds.

18 (14) The State of New York has adopted a safe  
19 harbor law that establishes a presumption a minor  
20 charged with a prostitution offense is a severely traf-  
21 ficked person. This law allows the child to avoid  
22 criminal charges of prostitution and instead be con-  
23 sidered a "person in need of supervision." The stat-  
24 ute also provides support and services to sexually ex-  
25 ploited youth who are under the age of 18 years old.

1       These services include safe houses, crisis interven-  
2       tion programs, community-based programs, and law-  
3       enforcement training to help officers identify sexu-  
4       ally exploited youth.

5           (15) Sex trafficking is not a problem that oc-  
6       curs only in urban settings. This crime exists also in  
7       rural areas and on Indian reservations. Efforts to  
8       address sex trafficking should include partnerships  
9       with organizations that seek to address the needs of  
10      such under-served communities.

11 **SEC. 3. SENSE OF THE SENATE.**

12      It is the sense of the Senate that—

13           (1) the Attorney General should implement  
14      changes to the National Crime Information Center  
15      database in order to ensure that—

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

20           (B) the database be programmed to cross-  
21      reference newly entered reports with historical  
22      records already in the database; and

23           (C) the database be programmed to in-  
24      clude a visual cue on the record of a child des-  
25      ignated as an endangered juvenile in order to

1           assist law enforcement officers in recognizing  
2           the child and providing the child with appro-  
3           priate care and services; and

4           (2) funds awarded under subpart 1 of part E  
5           of title I of the Omnibus Crime Control and Safe  
6           Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-  
7           monly known as Byrne Grants) should be used to  
8           provide programs relating to sex trafficking edu-  
9           cation, training, deterrence, and prevention.

10 **SEC. 4. SEX TRAFFICKING BLOCK GRANTS.**

11           (a) DEFINITIONS.—In this section—

12                   (1) the term “Assistant Attorney General”  
13           means the Assistant Attorney General for the Office  
14           of Justice Programs of the Department of Justice;

15                   (2) the term “domestic minor” means an indi-  
16           vidual who is—

17                           (A) a citizen of the United States or a law-  
18           ful permanent resident of the United States;  
19           and

20                           (B) under the age of 18 years old; and

21                   (3) the term “eligible entity” means a State or  
22           unit of local government that—

23                           (A) has significant sex trafficking activity;

24                           (B) has demonstrated cooperation between  
25           State and local law enforcement agencies, pros-

1           ecutors, and social service providers in address-  
2           ing sex trafficking; and

3           (C) has developed a workable, multi-dis-  
4           ciplinary plan to combat sex trafficking, includ-  
5           ing—

6                   (i) the establishment of a shelter for  
7                   sex trafficking victims;

8                   (ii) the provision of comprehensive  
9                   services to domestic minor victims;

10                   (iii) the provision of specialized train-  
11                   ing for law enforcement officers and social  
12                   service providers; and

13                   (iv) deterrence and prosecution of sex  
14                   trafficking offenses.

15       (b) GRANTS AUTHORIZED.—

16           (1) IN GENERAL.—The Assistant Attorney Gen-  
17           eral is authorized to award 6 block grants to eligible  
18           entities in different regions of the United States to  
19           combat sex trafficking, and not less than 1 of the  
20           block grants shall be awarded to an eligible entity  
21           with a State population of less than 5,000,000.

22           (2) GRANT AMOUNT.—Each grant awarded  
23           under this section shall be in the amount of  
24           \$2,500,000.

25           (3) DURATION.—

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

3 (B) RENEWAL.—The Secretary may renew  
4 a grant under this section for two 1-year peri-  
5 ods.

6 (c) USE OF FUNDS.—

7 (1) ALLOCATION.—For each grant awarded  
8 under subsection (b)—

9 (A) not less than 25 percent of the funds  
10 shall be used to provide shelter and services to  
11 victims of sex trafficking; and

12 (B) not less than 10 percent of the funds  
13 shall be awarded by the eligible entity to a sub-  
14 contractor with annual revenues of less than  
15 \$750,000, to provide services to victims of sex  
16 trafficking or training for law enforcement and  
17 social service providers.

18 (2) OTHER ACTIVITIES.—Grants awarded pur-  
19 suant to subsection (b) may be used for activities  
20 such as—

21 (A) providing shelter to domestic minor  
22 trafficking victims, including temporary or long-  
23 term placement as appropriate;

24 (B) providing trafficking victims with  
25 clothing and other daily necessities needed to

1 keep the trafficking victims from returning to  
2 living on the street;

3 (C) counseling and legal services for vic-  
4 tims of sex trafficking, including substance  
5 abuse treatment, trauma-informed care, and  
6 sexual abuse or other mental health counseling;

7 (D) specialized training for law enforce-  
8 ment personnel and social service providers,  
9 specific to sex trafficking issues;

10 (E) funding salaries, in whole or in part,  
11 for law enforcement officers, including patrol  
12 officers; detectives; and investigators; provided  
13 that the percentage of the salary of the law en-  
14 forcement officer paid for by funds from a  
15 grant awarded under subsection (b) shall be no  
16 less than the percentage of the time dedicated  
17 to working on sex trafficking cases by the law  
18 enforcement officer;

19 (F) funding salaries for State and local  
20 prosecutors, including assisting in paying trial  
21 expenses for prosecution of sex trafficking law  
22 offenders;

23 (G) investigation expenses, including—  
24 (i) wire taps;

1 (ii) consultants with expertise specific  
2 to sex trafficking cases;

3 (iii) travel; and

4 (iv) any other technical assistance ex-  
5 penditures; and

6 (H) outreach and education programs to  
7 provide information about deterrence and pre-  
8 vention of sex trafficking, including programs  
9 to provide treatment to men charged with solici-  
10 tation of prostitution in cases where—

11 (i) a treatment program is an appro-  
12 priate alternative to criminal prosecution;  
13 and

14 (ii) the men were not charged with so-  
15 licitation of sex with a minor.

16 (d) APPLICATION.—

17 (1) IN GENERAL.—Each eligible entity desiring  
18 a grant under this Act shall submit an application  
19 to the Assistant Attorney General at such time, in  
20 such manner, and accompanied by such information  
21 as the Assistant Attorney General may reasonably  
22 require.

23 (2) CONTENTS.—Each application submitted  
24 pursuant to paragraph (1) shall—

1 (A) describe the activities for which assist-  
2 ance under this section is sought; and

3 (B) provide such additional assurances as  
4 the Secretary determines to be essential to en-  
5 sure compliance with the requirements of this  
6 Act.

7 (e) EVALUATION.—The Assistant Attorney General  
8 shall, in consultation with the Comptroller General of the  
9 United States, enter into a contract with an academic or  
10 non-profit organization that has experience in sex traf-  
11 ficking issues and evaluation of grant programs to conduct  
12 an annual evaluation of grants made under this section  
13 to determine the impact and effectiveness of programs  
14 funded with grants awarded under subsection (b).

15 (f) AUTHORIZATION OF APPROPRIATIONS.—For fis-  
16 cal years 2011 through 2014, there are authorized to be  
17 appropriated, to carry out the provisions of this section,  
18 the following sums:

19 (1) \$45,000,000 to fund grants awarded under  
20 subsection (b).

21 (2) \$1,500,000 to conduct the evaluation under  
22 subsection (e).

23 (3) \$3,500,000 to the Attorney General, to de-  
24 sign and implement improvements to the NCIC  
25 database.

1 **SEC. 5. REPORTING REQUIREMENTS.**

2 (a) REPORTING REQUIREMENT FOR STATE CHILD  
3 WELFARE AGENCIES.—

4 (1) REQUIREMENT FOR STATE CHILD WELFARE  
5 AGENCIES TO REPORT CHILDREN MISSING OR AB-  
6 DUCTED.—Section 471(a) of the Social Security Act  
7 (42 U.S.C. 671(a)) is amended—

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

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

12 (C) by inserting after paragraph (33) the  
13 following:

14 “(34) provides that the State has in effect pro-  
15 cedures that require the State agency to promptly  
16 report information on missing or abducted children  
17 to the law enforcement authorities for entry into the  
18 National Crime Information Center (NCIC) data-  
19 base.”.

20 (2) REGULATIONS.—The Secretary of Health  
21 and Human Services shall promulgate regulations  
22 implementing the amendment made by paragraph  
23 (1). The regulations promulgated under this sub-  
24 section shall include provisions to withhold Federal  
25 funds to any State that fails to substantially comply

1 with the requirement imposed under the amendment  
2 made by paragraph (1).

3 (3) EFFECTIVE DATE.—The amendment made  
4 by paragraph (1) shall take effect on October 1,  
5 2010, without regard to whether final regulations re-  
6 quired under paragraph (2) have been promulgated  
7 by that date.

8 (b) ANNUAL STATISTICAL SUMMARY.—Section  
9 3701(c) of the Crime Control Act of 1990 (42 U.S.C.  
10 5779(c)) is amended by inserting “, that includes the total  
11 number of reports received and the total number of entries  
12 made to the National Crime Information Center (NCIC)  
13 database” after “of this title”.

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

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

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

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

23 (4) by redesignating subparagraph (C) as sub-  
24 paragraph (D); and

1           (5) by inserting after subparagraph (B) the fol-  
2           lowing:

3                   “(C) notify the National Center for Miss-  
4           ing and Exploited Children of each report re-  
5           ceived relating to a child reported missing from  
6           a foster care family home or childcare institu-  
7           tion; and”.

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