

In the House of Representatives, U. S.,

December 21, 2010.

Resolved, That the bill from the Senate (S. 2925) entitled “An Act to establish a grant program to benefit victims of sex trafficking, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Domestic Minor Sex*
3 *Trafficking Deterrence and Victims Support Act of 2010”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds the following:*

6 *(1) Human trafficking is modern-day slavery. It*
7 *is one of the fastest-growing, and the second largest,*
8 *criminal enterprise in the world. Human trafficking*
9 *generates an estimated profit of \$32,000,000,000 per*
10 *year, world wide.*

11 *(2) In the United States, human trafficking is*
12 *an increasing problem. This criminal enterprise vic-*
13 *timizes individuals in the United States, many of*
14 *them children, who are forced into prostitution, and*
15 *foreigners brought into the country, often under false*

1 *pretenses, who are coerced into forced labor or com-*
2 *mercial sexual exploitation.*

3 (3) *Sex trafficking is one of the most lucrative*
4 *areas of human trafficking. Criminal gang members*
5 *in the United States are increasingly involved in re-*
6 *cruiting young women and girls into sex trafficking.*
7 *Interviews with gang members indicate that the gang*
8 *members regard working as an individual who solici-*
9 *its customers for a prostitute (commonly known as a*
10 *“pimp”) to being as lucrative as trafficking in drugs,*
11 *but with a much lower chance of being criminally*
12 *convicted.*

13 (4) *National Incidence Studies of Missing, Ab-*
14 *ducted, Runaway and Throwaway Children, the de-*
15 *finite study of episodes of missing children, found*
16 *that of the children who are victims of non-family ab-*
17 *duction, runaway or throwaway children, the police*
18 *are alerted by family or guardians in only 21 percent*
19 *of the cases. In 79 percent of cases there is no report*
20 *and no police involvement, and therefore no official*
21 *attempt to find the child.*

22 (5) *In 2007, the Administration of Children and*
23 *Families, Department of Health and Human Serv-*
24 *ices, reported to the Federal Government 265,000*

1 cases of serious physical, sexual, or psychological
2 abuse of children.

3 (6) Experts estimate that each year at least
4 100,000 children in the United States are exploited
5 through prostitution.

6 (7) Children who have run away from home are
7 at a high risk of becoming exploited through sex traf-
8 ficking. Children who have run away multiple times
9 are at much higher risk of not returning home and
10 of engaging in prostitution.

11 (8) The vast majority of children involved in sex
12 trafficking have suffered previous sexual or physical
13 abuse, live in poverty, or have no stable home or fam-
14 ily life. These children require a comprehensive frame-
15 work of specialized treatment and mental health coun-
16 seling that addresses post-traumatic stress, depression,
17 and sexual exploitation.

18 (9) The average age of first exploitation through
19 prostitution is 13. Seventy-five percent of minors ex-
20 ploited through prostitution have a pimp. A pimp
21 can earn \$200,000 per year prostituting 1 sex traf-
22 ficking victim.

23 (10) Sex trafficking of minors is a complex and
24 varied criminal problem that requires a multi-dis-
25 ciplinary, cooperative solution. Reducing trafficking

1 *will require the Government to address victims,*
2 *pimps, and johns, and to provide training specific to*
3 *sex trafficking for law enforcement officers and pros-*
4 *ecutors, and child welfare, public health, and other so-*
5 *cial service providers.*

6 (11) *Human trafficking is a criminal enterprise*
7 *that imposes significant costs on the economy of the*
8 *United States. Government and non-profit resources*
9 *used to address trafficking include those of law en-*
10 *forcement, the judicial and penal systems, and social*
11 *service providers. Without a range of appropriate*
12 *treatments to help trafficking victims overcome the*
13 *trauma they have experienced, victims will continue*
14 *to be exploited by criminals and unable to support*
15 *themselves, and will continue to require Government*
16 *resources, rather than being productive contributors to*
17 *the legitimate economy.*

18 (12) *Human trafficking victims are often either*
19 *not identified as trafficking victims or are*
20 *mischaracterized as criminal offenders. Both private*
21 *and public sector personnel play a significant role in*
22 *identifying trafficking victims and potential victims,*
23 *such as runaways. Examples of such personnel in-*
24 *clude hotel staff, flight attendants, health care pro-*
25 *viders, educators, and parks and recreation personnel.*

1 *Efforts to train these individuals can bolster law en-*
2 *forcement efforts to reduce human trafficking.*

3 (13) *Minor sex trafficking victims are under the*
4 *age of 18. Because minors do not have the capacity*
5 *to consent to their own commercial sexual exploi-*
6 *tation, minor sex trafficking victims should not be*
7 *charged as criminal defendants. Instead, minor vic-*
8 *tims of sex trafficking should have access to treatment*
9 *and services to help them recover from their sexual ex-*
10 *ploitation, and should also be provided access to ap-*
11 *propriate compensation for harm they have suffered.*

12 (14) *Several States have recently passed or are*
13 *considering legislation that establishes a presumption*
14 *that a minor charged with a prostitution offense is a*
15 *severely trafficked person and should instead be cared*
16 *for through the child protection system. Some such*
17 *legislation also provides support and services to*
18 *minor sex trafficking victims who are under the age*
19 *of 18 years old. These services include safe houses, cri-*
20 *sis intervention programs, community-based pro-*
21 *grams, and law-enforcement training to help officers*
22 *identify minor sex trafficking victims.*

23 (15) *Sex trafficking of minors is not a problem*
24 *that occurs only in urban settings. This crime also ex-*
25 *ists in rural areas and on Indian reservations. Ef-*

1 *forts to address sex trafficking of minors should in-*
2 *clude partnerships with organizations that seek to ad-*
3 *dress the needs of such underserved communities.*

4 **SEC. 3. SENSE OF CONGRESS.**

5 *It is the sense of the Congress that—*

6 *(1) the Attorney General should implement*
7 *changes to the National Crime Information Center*
8 *database to ensure that—*

9 *(A) a child entered into the database will be*
10 *automatically designated as an endangered juve-*
11 *nile if the child has been reported missing not*
12 *less than 3 times in a 1-year period;*

13 *(B) the database is programmed to cross-*
14 *reference newly entered reports with historical*
15 *records already in the database; and*

16 *(C) the database is programmed to include*
17 *a visual cue on the record of a child designated*
18 *as an endangered juvenile to assist law enforce-*
19 *ment officers in recognizing the child and pro-*
20 *viding the child with appropriate care and serv-*
21 *ices;*

22 *(2) funds awarded under subpart 1 of part E of*
23 *title I of the Omnibus Crime Control and Safe Streets*
24 *Act of 1968 (42 U.S.C. 3750 et seq.) (commonly*
25 *known as Byrne Grants) should be used to provide*

1 *education, training, deterrence, and prevention pro-*
2 *grams relating to sex trafficking of minors;*

3 *(3) States should—*

4 *(A) treat minor victims of sex trafficking as*
5 *crime victims rather than as criminal defendants*
6 *or juvenile delinquents;*

7 *(B) adopt laws that—*

8 *(i) establish the presumption that a*
9 *child under the age of 18 who is charged*
10 *with a prostitution offense is a minor vic-*
11 *tim of sex trafficking;*

12 *(ii) avoid the criminal charge of pros-*
13 *titution for such a child, and instead con-*
14 *sider such a child a victim of crime and*
15 *provide the child with appropriate services*
16 *and treatment; and*

17 *(iii) strengthen criminal provisions*
18 *prohibiting the purchasing of commercial*
19 *sex acts, especially with minors;*

20 *(C) amend State statutes and regulations—*

21 *(i) relating to crime victim compensa-*
22 *tion to make eligible for such compensation*
23 *any individual who is a victim of sex traf-*
24 *ficking as defined in section 1591(a) of title*
25 *18, United States Code, or a comparable*

1 *State law against commercial sexual exploi-*
2 *tation of children, and who would otherwise*
3 *be ineligible for such compensation due to*
4 *participation in prostitution activities be-*
5 *cause the individual is determined to have*
6 *contributed to, consented to, benefitted from,*
7 *or otherwise participated as a party to the*
8 *crime for which the individual is claiming*
9 *injury; and*

10 *(ii) relating to law enforcement report-*
11 *ing requirements to provide for exceptions*
12 *to such requirements for victims of sex traf-*
13 *ficking in the same manner as exceptions*
14 *are provided to victims of domestic violence*
15 *or related crimes; and*

16 (4) *demand for commercial sex with sex traf-*
17 *ficking victims must be deterred through consistent*
18 *enforcement of criminal laws against purchasing*
19 *commercial sex.*

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

21 (a) *IN GENERAL.*—Section 204 of the *Trafficking Vic-*
22 *tims Protection Reauthorization Act of 2005 (42 U.S.C.*
23 *14044c) is amended to read as follows:*

1 **“SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO**
2 **COMBAT TRAFFICKING IN PERSONS.**

3 *“(a) SEX TRAFFICKING BLOCK GRANTS.—*

4 *“(1) DEFINITIONS.—In this section—*

5 *“(A) the term ‘Assistant Attorney General’*
6 *means the Assistant Attorney General for the Of-*
7 *fice of Justice Programs of the Department of*
8 *Justice;*

9 *“(B) the term ‘eligible entity’ means a State*
10 *or unit of local government that—*

11 *“(i) has significant criminal activity*
12 *involving sex trafficking of minors;*

13 *“(ii) has demonstrated cooperation be-*
14 *tween State, local, and, where applicable,*
15 *tribal law enforcement agencies, prosecutors,*
16 *and social service providers in addressing*
17 *sex trafficking of minors;*

18 *“(iii) has developed a workable, multi-*
19 *disciplinary plan to combat sex trafficking*
20 *of minors, including—*

21 *“(I) the establishment of a shelter*
22 *for minor victims of sex trafficking,*
23 *through existing or new facilities;*

24 *“(II) the provision of rehabilita-*
25 *tive care to minor victims of sex traf-*
26 *ficking;*

1 “(III) the provision of specialized
2 training for law enforcement officers
3 and social service providers for all
4 forms of sex trafficking, with a focus
5 on sex trafficking of minors;

6 “(IV) prevention, deterrence, and
7 prosecution of offenses involving sex
8 trafficking of minors;

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

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

20 “(iv) provides an assurance that,
21 under the plan under clause (iii), a minor
22 victim of sex trafficking shall not be re-
23 quired to collaborate with law enforcement
24 to have access to any shelter or services pro-
25 vided with a grant under this section;

1 “(C) the term ‘minor victim of sex traf-
2 ficking’ means an individual who is—

3 “(i) under the age of 18 years old, and
4 is a victim of an offense described in section
5 1591(a) of title 18, United States Code, or
6 a comparable State law; or

7 “(ii) at least 18 years old but not more
8 than 20 years old, and who, on the day be-
9 fore the individual attained 18 years of age,
10 was described in clause (i) and was receiv-
11 ing shelter or services as a minor victim of
12 sex trafficking;

13 “(D) the term ‘qualified non-governmental
14 organization’ means an organization that—

15 “(i) is not a State or unit of local gov-
16 ernment, or an agency of a State or unit of
17 local government;

18 “(ii) has demonstrated experience pro-
19 viding services to victims of sex trafficking
20 or related populations (such as runaway
21 and homeless youth), or employs staff spe-
22 cialized in the treatment of sex trafficking
23 victims; and

1 “(iii) demonstrates a plan to sustain
2 the provision of services beyond the period
3 of a grant awarded under this section; and

4 “(E) the term ‘sex trafficking of a minor’
5 means an offense described in subsection (a) of
6 section 1591 of title 18, United States Code, the
7 victim of which is a minor.

8 “(2) GRANTS AUTHORIZED.—

9 “(A) IN GENERAL.—The Assistant Attorney
10 General, in consultation with the Assistant Sec-
11 retary for Children and Families of the Depart-
12 ment of Health and Human Services, is author-
13 ized to award block grants to 6 eligible entities
14 in different regions of the United States to com-
15 bat sex trafficking, and not fewer than 1 of the
16 block grants shall be awarded to an eligible enti-
17 ty with a State population of less than
18 5,000,000. Each eligible entity awarded a block
19 grant under this subparagraph shall certify that
20 Federal funds received under the block grant will
21 be used to combat only interstate sex trafficking.

22 “(B) GRANT AMOUNT.—Subject to the avail-
23 ability of appropriations under subsection (g) to
24 carry out this section, each grant awarded under

1 *this section shall be for an amount not less than*
2 *\$2,000,000 and not greater than \$2,500,000.*

3 “(C) *DURATION.*—

4 “(i) *IN GENERAL.*—*A grant awarded*
5 *under this section shall be for a period of 1*
6 *year.*

7 “(ii) *RENEWAL.*—

8 “(I) *IN GENERAL.*—*The Assistant*
9 *Attorney General may renew a grant*
10 *under this section for two 1-year peri-*
11 *ods.*

12 “(II) *PRIORITY.*—*In awarding*
13 *grants in any fiscal year after the first*
14 *fiscal year in which grants are award-*
15 *ed under this section, the Assistant At-*
16 *torney General shall give priority to*
17 *applicants that received a grant in the*
18 *preceding fiscal year and are eligible*
19 *for renewal under this subparagraph,*
20 *taking into account any evaluation of*
21 *such applicant conducted pursuant to*
22 *paragraph (5), if available.*

23 “(D) *CONSULTATION.*—*In carrying out this*
24 *section, consultation by the Assistant Attorney*
25 *General with the Assistant Secretary for Chil-*

1 *dren and Families of the Department of Health*
2 *and Human Services shall include consultation*
3 *with respect to grantee evaluations, the avoid-*
4 *ance of unintentional duplication of grants, and*
5 *any other areas of shared concern.*

6 “(3) *USE OF FUNDS.*—

7 “(A) *ALLOCATION.*—*For each grant award-*
8 *ed under paragraph (2)—*

9 “(i) *not less than 67 percent of the*
10 *funds shall be used by the eligible entity to*
11 *provide shelter and services (as described in*
12 *clauses (i) through (iv) of subparagraph*
13 *(B)) to minor victims of sex trafficking*
14 *through qualified nongovernmental organi-*
15 *zations; and*

16 “(ii) *not less than 10 percent of the*
17 *funds shall be awarded by the eligible entity*
18 *to one or more qualified nongovernmental*
19 *organizations with annual revenues of less*
20 *than \$750,000, to provide services to minor*
21 *victims of sex trafficking or training for*
22 *service providers related to sex trafficking of*
23 *minors.*

1 “(B) *AUTHORIZED ACTIVITIES.*—*Grants*
2 *awarded pursuant to paragraph (2) may be used*
3 *for—*

4 “(i) *providing shelter to minor victims*
5 *of trafficking, including temporary or long-*
6 *term placement as appropriate;*

7 “(ii) *providing 24-hour emergency so-*
8 *cial services response for minor victims of*
9 *sex trafficking;*

10 “(iii) *providing minor victims of sex*
11 *trafficking with clothing and other daily ne-*
12 *cessities needed to keep such victims from*
13 *returning to living on the street;*

14 “(iv) *case management services for*
15 *minor victims of sex trafficking;*

16 “(v) *mental health counseling for*
17 *minor victims of sex trafficking, including*
18 *specialized counseling and substance abuse*
19 *treatment;*

20 “(vi) *legal services for minor victims of*
21 *sex trafficking;*

22 “(vii) *specialized training for law en-*
23 *forcement personnel, social service pro-*
24 *viders, and public and private sector per-*
25 *sonnel likely to encounter sex trafficking*

1 *victims on issues related to the sex traf-*
2 *ficking of minors;*

3 *“(viii) funding salaries, in whole or in*
4 *part, for law enforcement officers, including*
5 *patrol officers, detectives, and investigators,*
6 *except that the percentage of the salary of*
7 *the law enforcement officer paid for by*
8 *funds from a grant awarded under para-*
9 *graph (2) shall not be more than the per-*
10 *centage of the officer’s time on duty that is*
11 *dedicated to working on cases involving sex*
12 *trafficking of minors;*

13 *“(ix) funding salaries for State and*
14 *local prosecutors, including assisting in*
15 *paying trial expenses for prosecution of sex*
16 *trafficking offenders;*

17 *“(x) investigation expenses for cases*
18 *involving sex trafficking of minors, includ-*
19 *ing—*

20 *“(I) wire taps;*

21 *“(II) consultants with expertise*
22 *specific to cases involving sex traf-*
23 *ficking of minors;*

24 *“(III) travel; and*

1 “(IV) *any other technical assist-*
2 *ance expenditures;*

3 “(xi) *outreach and education programs*
4 *to provide information about deterrence and*
5 *prevention of sex trafficking of minors; and*

6 “(xii) *programs to provide treatment*
7 *to individuals charged or cited with pur-*
8 *chasing or attempting to purchase sex acts*
9 *in cases where—*

10 “(I) *a treatment program can be*
11 *mandated as a condition of a sentence,*
12 *fine, suspended sentence, or probation,*
13 *or is an appropriate alternative to*
14 *criminal prosecution; and*

15 “(II) *the individual was not*
16 *charged with purchasing or attempting*
17 *to purchase sex acts with a minor.*

18 “(C) *PROHIBITED ACTIVITIES.—Grants*
19 *awarded pursuant to paragraph (2) shall not be*
20 *used for medical care (as defined in section*
21 *2791(a)(2) of the Public Health Service Act (42*
22 *U.S.C. 300gg–91)), except that grants may be*
23 *used for mental health counseling as authorized*
24 *under subparagraph (B)(v).*

25 “(4) *APPLICATION.—*

1 “(A) *IN GENERAL.*—Each eligible entity de-
2 siring a grant under this section shall submit an
3 application to the Assistant Attorney General at
4 such time, in such manner, and accompanied by
5 such information as the Assistant Attorney Gen-
6 eral may reasonably require.

7 “(B) *CONTENTS.*—Each application sub-
8 mitted pursuant to subparagraph (A) shall—

9 “(i) describe the activities for which
10 assistance under this section is sought; and

11 “(ii) provide such additional assur-
12 ances as the Assistant Attorney General de-
13 termines to be essential to ensure compli-
14 ance with the requirements of this section.

15 “(5) *EVALUATION.*—The Assistant Attorney Gen-
16 eral shall enter into a contract with an academic or
17 non-profit organization that has experience in issues
18 related to sex trafficking of minors and evaluation of
19 grant programs to conduct an annual evaluation of
20 grants made under this section to determine the im-
21 pact and effectiveness of programs funded with grants
22 awarded under paragraph (2).

23 “(b) *MANDATORY EXCLUSION.*—Any grantee awarded
24 funds under this section that is found to have utilized grant
25 funds for any unauthorized expenditure or otherwise unal-

1 *lowable cost shall not be eligible for any grant funds award-*
2 *ed under the block grant for 2 fiscal years following the*
3 *year in which the unauthorized expenditure or unallowable*
4 *cost is reported.*

5 “(c) *COMPLIANCE REQUIREMENT.*—*A grantee shall not*
6 *be eligible to receive a grant under this section if within*
7 *the last 5 fiscal years, the grantee has been found to have*
8 *violated the terms or conditions of a Government grant pro-*
9 *gram by utilizing grant funds for unauthorized expendi-*
10 *tures or otherwise unallowable costs.*

11 “(d) *ADMINISTRATIVE CAP.*—*The cost of admin-*
12 *istering the grants authorized by this section shall not ex-*
13 *ceed 3 percent of the total amount appropriated to carry*
14 *out this section.*

15 “(e) *AUDIT REQUIREMENT.*—*For fiscal years 2012*
16 *and 2013, the Inspector General of the Department of Jus-*
17 *tice shall conduct an audit of all 6 grantees awarded block*
18 *grants under this section.*

19 “(f) *MATCH REQUIREMENT.*—*A grantee of a grant*
20 *under this section shall match at least 25 percent of a grant*
21 *in the first year, 40 percent in the second year, and 50*
22 *percent in the third year.*

23 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
24 *are authorized to be appropriated to the Attorney General*

1 to carry out this section \$15,000,000 for each of the fiscal
2 years 2012 through 2014.”

3 (b) *SUNSET PROVISION.*—Effective 3 years after the
4 date of enactment of this Act, section 204 of the Trafficking
5 Victims Protection Reauthorization Act of 2005 (42 U.S.C.
6 14044c) is amended to read as it read on the day before
7 the date of enactment of this Act.

8 (c) *GAO EVALUATION.*—Not later than 30 months
9 after the date of enactment of this Act, the Comptroller Gen-
10 eral of the United States shall conduct a study of and sub-
11 mit to Congress a report evaluating the impact of this Act
12 and the amendments made by this Act in aiding minor vic-
13 tims of sex trafficking in the United States and increasing
14 the ability of law enforcement agencies to prosecute sex traf-
15 ficking offenders, which shall include recommendations, if
16 any, regarding any legislative or administrative action the
17 Comptroller General determines appropriate.

18 **SEC. 5. REPORTING REQUIREMENTS.**

19 (a) *REPORTING REQUIREMENT FOR STATE CHILD*
20 *WELFARE AGENCIES.*—

21 (1) *REQUIREMENT FOR STATE CHILD WELFARE*
22 *AGENCIES TO REPORT CHILDREN MISSING OR AB-*
23 *DUCTED.*—Section 471(a) of the Social Security Act
24 (42 U.S.C. 671(a)) is amended—

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

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

5 (C) by inserting after paragraph (33) the
6 following:

7 “(34) provides that the State has in effect proce-
8 dures that require the State agency to promptly re-
9 port information on missing or abducted children to
10 the law enforcement authorities for entry into the Na-
11 tional Crime Information Center (NCIC) database of
12 the Federal Bureau of Investigation, established pur-
13 suant to section 534 of title 28, United States Code.”.

14 (2) *REGULATIONS.*—The Secretary of Health and
15 Human Services shall promulgate regulations imple-
16 menting the amendments made by paragraph (1). The
17 regulations promulgated under this subsection shall
18 include provisions to withhold Federal funds from
19 any State that fails to substantially comply with the
20 requirement imposed under the amendments made by
21 paragraph (1).

22 (3) *EFFECTIVE DATE.*—The amendment made by
23 paragraph (1) shall take effect on the date that is 6
24 months after the date of the enactment of this Act,

1 *without regard to whether final regulations required*
2 *under paragraph (2) have been promulgated.*

3 **(b) ANNUAL STATISTICAL SUMMARY.**—*Section 3701(c)*
4 *of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is*
5 *amended by inserting “, which shall include the total num-*
6 *ber of reports received and the total number of entries made*
7 *to the National Crime Information Center (NCIC) database*
8 *of the Federal Bureau of Investigation, established pursuant*
9 *to section 534 of title 28, United States Code.” after “this*
10 *title”.*

11 **(c) STATE REPORTING.**—*Section 3702 of the Crime*
12 *Control Act of 1990 (42 U.S.C. 5780) is amended in para-*
13 *graph (4)—*

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

15 *(2) in subparagraph (A), by inserting “, and a*
16 *photograph taken within the previous 180 days” after*
17 *“dental records”;*

18 *(3) in subparagraph (B), by striking “and” after*
19 *the semicolon;*

20 *(4) by redesignating subparagraph (C) as sub-*
21 *paragraph (D); and*

22 *(5) by inserting after subparagraph (B) the fol-*
23 *lowing:*

24 *“(C) notify the National Center for Missing*
25 *and Exploited Children of each report received*

1 *relating to a child reported missing from a foster*
2 *care family home or childcare institution; and”.*

3 **SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS**
4 **AND SURVIVORS.**

5 *Section 225(b) of the Trafficking Victims Reauthoriza-*
6 *tion Act of 2008 (22 U.S.C. 7101 note) is amended—*

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

9 *(2) by redesignating paragraph (2) as para-*
10 *graph (3); and*

11 *(3) by inserting after paragraph (1) the fol-*
12 *lowing:*

13 *“(2) protects children exploited through prostitu-*
14 *tion by including safe harbor provisions that—*

15 *“(A) treat an individual under 18 years of*
16 *age who has been arrested for offering to engage*
17 *in or engaging in a sexual act with another per-*
18 *son in exchange for monetary compensation as a*
19 *victim of a severe form of trafficking in persons;*

20 *“(B) prohibit the charging or prosecution of*
21 *an individual described in subparagraph (A) for*
22 *a prostitution offense;*

23 *“(C) require the referral of an individual*
24 *described in subparagraph (A) to comprehensive*
25 *service or community-based programs that pro-*

1 *vide assistance to child victims of commercial*
2 *sexual exploitation, to the extent that comprehen-*
3 *sive service or community-based programs exist;*
4 *and*

5 “(D) provide that an individual described
6 in subparagraph (A) shall not be required to
7 prove fraud, force, or coercion in order to receive
8 the protections described under this paragraph;
9 and”.

10 **SEC. 7. PROTECTION OF CHILD WITNESSES.**

11 *Section 1514 of title 18, United States Code, is amend-*
12 *ed—*

13 (1) *in subsection (b)—*

14 (A) *in paragraph (1)—*

15 (i) *by inserting “or its own motion,”*
16 *after “attorney for the Government”; and*

17 (ii) *by inserting “or investigation”*
18 *after “Federal criminal case” each place it*
19 *appears;*

20 (B) *by redesignating paragraphs (2), (3),*
21 *and (4) as paragraphs (3), (4), and (5), respec-*
22 *tively;*

23 (C) *by inserting after paragraph (1) the fol-*
24 *lowing:*

1 “(2) *In the case of a minor witness or victim, the court*
2 *shall issue a protective order prohibiting harassment or in-*
3 *timidation of the minor victim or witness if the court finds*
4 *evidence that the conduct at issue is reasonably likely to*
5 *adversely affect the willingness of the minor witness or vic-*
6 *tim to testify or otherwise participate in the Federal crimi-*
7 *nal case or investigation. Any hearing regarding a protec-*
8 *tive order under this paragraph shall be conducted in ac-*
9 *cordance with paragraphs (1) and (3), except that the court*
10 *may issue an ex parte emergency protective order in ad-*
11 *vance of a hearing if exigent circumstances are present. If*
12 *such an ex parte order is applied for or issued, the court*
13 *shall hold a hearing not later than 14 days after the date*
14 *such order was applied for or is issued.”;*

15 (D) *in paragraph (4), as so redesignated, by*
16 *striking “(and not by reference to the complaint*
17 *or other document)”;* and

18 (E) *in paragraph (5), as so redesignated, in*
19 *the second sentence, by inserting before the pe-*
20 *riod at the end the following: “, except that in*
21 *the case of a minor victim or witness, the court*
22 *may order that such protective order expires on*
23 *the later of 3 years after the date of issuance or*
24 *the date of the eighteenth birthday of that minor*
25 *victim or witness”;* and

1 (2) *by striking subsection (c) and inserting the*
2 *following:*

3 “(c) *Whoever knowingly and intentionally violates or*
4 *attempts to violate an order issued under this section shall*
5 *be fined under this title, imprisoned not more than 5 years,*
6 *or both.*

7 “(d)(1) *As used in this section—*

8 “(A) *the term ‘course of conduct’ means a series*
9 *of acts over a period of time, however short, indi-*
10 *cating a continuity of purpose;*

11 “(B) *the term ‘harassment’ means a serious act*
12 *or course of conduct directed at a specific person*
13 *that—*

14 “(i) *causes substantial emotional distress in*
15 *such person; and*

16 “(ii) *serves no legitimate purpose;*

17 “(C) *the term ‘immediate family member’ has*
18 *the meaning given that term in section 115 and in-*
19 *cludes grandchildren;*

20 “(D) *the term ‘intimidation’ means a serious act*
21 *or course of conduct directed at a specific person*
22 *that—*

23 “(i) *causes fear or apprehension in such*
24 *person; and*

25 “(ii) *serves no legitimate purpose;*

1 “(E) the term ‘restricted personal information’
2 has the meaning give that term in section 119;

3 “(F) the term ‘serious act’ means a single act of
4 threatening, retaliatory, harassing, or violent conduct
5 that is reasonably likely to influence the willingness
6 of a victim or witness to testify or participate in a
7 Federal criminal case or investigation; and

8 “(G) the term ‘specific person’ means a victim or
9 witness in a Federal criminal case or investigation,
10 and includes an immediate family member of such a
11 victim or witness.

12 “(2) For purposes of subparagraphs (B)(ii) and
13 (D)(ii) of paragraph (1), a court shall presume, subject to
14 rebuttal by the person, that the distribution or publication
15 using the Internet of a photograph of, or restricted personal
16 information regarding, a specific person serves no legiti-
17 mate purpose, unless that use is authorized by that specific
18 person, is for news reporting purposes, is designed to locate
19 that specific person (who has been reported to law enforce-
20 ment as a missing person), or is part of a government-au-
21 thorized effort to locate a fugitive or person of interest in
22 a criminal, antiterrorism, or national security investiga-
23 tion.”.

1 **SEC. 8. SENTENCING GUIDELINES.**

2 *Pursuant to its authority under section 994 of title*
3 *28, United States Code, and in accordance with this section,*
4 *the United States Sentencing Commission shall review and*
5 *amend the Federal sentencing guidelines and policy state-*
6 *ments to ensure—*

7 *(1) that the guidelines provide an additional*
8 *penalty increase, if appropriate, above the sentence*
9 *otherwise applicable in Part J of Chapter 2 of the*
10 *Guidelines Manual if the defendant was convicted of*
11 *a violation of section 1591 of title 18, United States*
12 *Code, or chapter 109A, 109B, 110 or 117 of title 18,*
13 *United States Code; and*

14 *(2) if the offense described in paragraph (1) in-*
15 *volved causing or threatening to cause physical injury*
16 *to a person under 18 years of age, in order to obstruct*
17 *the administration of justice, an additional penalty*
18 *increase, if appropriate, above the sentence otherwise*
19 *applicable in Part J of Chapter 2 of the Guidelines*
20 *Manual.*

21 **SEC. 9. PENALTIES FOR POSSESSION OF CHILD PORNOG-**
22 **RAPHY.**

23 *(a) CERTAIN ACTIVITIES RELATING TO MATERIAL IN-*
24 *VOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section*
25 *2252(b)(2) of title 18, United States Code, is amended by*
26 *inserting after “but if” the following: “any visual depiction*

1 *involved in the offense involved a prepubescent minor or*
 2 *a minor who had not attained 12 years of age, such person*
 3 *shall be fined under this title and imprisoned for not more*
 4 *than 20 years, or if’.*

5 (b) *CERTAIN ACTIVITIES RELATING TO MATERIAL*
 6 *CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—*
 7 *Section 2252A(b)(2) of title 18, United States Code, is*
 8 *amended by inserting after “but, if” the following: “any*
 9 *image of child pornography involved in the offense involved*
 10 *a prepubescent minor or a minor who had not attained 12*
 11 *years of age, such person shall be fined under this title and*
 12 *imprisoned for not more than 20 years, or if’.*

13 **SEC. 10. REDUCING UNNECESSARY PRINTING AND PUB-**
 14 **LISHING COSTS OF GOVERNMENT DOCU-**
 15 **MENTS.**

16 *Not later than 180 days after the date of enactment*
 17 *of this Act, the Director of the Office of Management and*
 18 *Budget shall coordinate with the heads of Federal depart-*
 19 *ments and independent agencies to—*

20 (1) *determine which Government publications*
 21 *could be available on Government websites and no*
 22 *longer printed and to devise a strategy to reduce over-*
 23 *all Government printing costs beginning with fiscal*
 24 *year 2012, except that the Director shall ensure that*
 25 *essential printed documents prepared for Social Secu-*

1 *rity recipients, Medicare beneficiaries, and other pop-*
2 *ulations in areas with limited internet access or use*
3 *continue to remain available;*

4 (2) *establish government-wide Federal guidelines*
5 *on employee printing;*

6 (3) *issue on the Office of Management and Budg-*
7 *et's public website the results of a cost-benefit analysis*
8 *on implementing a digital signature system and on*
9 *establishing employee printing identification systems,*
10 *such as the use of individual employee cards or codes,*
11 *to monitor the amount of printing done by Federal*
12 *employees, except that the Director of the Office of*
13 *Management and Budget shall ensure that Federal*
14 *employee printing costs unrelated to national defense,*
15 *homeland security, border security, national disasters,*
16 *and other emergencies do not exceed \$860,000,000 an-*
17 *nually for fiscal years 2012 through 2014; and*

18 (4) *issue guidelines requiring every department,*
19 *agency, commission or office to list at a prominent*
20 *place near the beginning of each publication distrib-*
21 *uted to the public and issued or paid for by the Fed-*
22 *eral Government the following:*

23 (A) *The name of the issuing agency, depart-*
24 *ment, commission or office.*

1 (B) *The total number of copies of the docu-*
2 *ment printed.*

3 (C) *The collective cost of producing and*
4 *printing all of the copies of the document.*

5 (D) *The name of the firm publishing the*
6 *document.*

7 **SEC. 11. ADMINISTRATIVE SUBPOENAS.**

8 *Section 3486(a)(1)(D) of title 18, United States Code,*
9 *is amended by inserting “2250,” after “2243.”*

10 **SEC. 12. BUDGETARY EFFECTS.**

11 *The budgetary effects of this Act, for the purpose of*
12 *complying with the Statutory Pay-As-You-Go Act of 2010,*
13 *shall be determined by reference to the latest statement titled*
14 *“Budgetary Effects of PAYGO Legislation” for this Act,*
15 *submitted for printing in the Congressional Record by the*
16 *Chairman of the House Budget Committee, provided that*
17 *such statement has been submitted prior to the vote on pas-*
18 *sage.*

Attest:

Clerk.

11TH CONGRESS
2^D SESSION

S. 2925

AMENDMENT