

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3530
OFFERED BY MR. POE OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Justice for Victims
3 of Trafficking Act of 2014”.

4 SEC. 2. AVAILABILITY OF SUMS IN CRIME VICTIMS FUND.

5 Section 1402 of the Victims of Crime Act of 1984
6 (42 U.S.C. 10601) is amended in subsection (d) by insert-
7 ing before paragraph (2) the following:

8 “(1) Of the amounts available in the Fund, ex-
9 actly—

10 “(A) \$805,000,000 shall be available for
11 obligation in fiscal year 2016;

12 “(B) \$825,000,000 shall be available for
13 obligation in fiscal year 2017;

14 “(C) \$845,000,000 shall be available for
15 obligation in fiscal year 2018;

16 “(D) \$866,000,000 shall be available for
17 obligation in fiscal year 2019; and

1 “(E) \$890,000,000 shall be available for
2 obligation in fiscal year 2020.”.

3 **SEC. 3. VICTIM-CENTERED SEX TRAFFICKING DETERRENCE**
4 **GRANT PROGRAM.**

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

8 (1) by redesignating subsection (g) as sub-
9 section (j);

10 (2) by striking subsections (a) through (f), and
11 inserting the following:

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

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

22 “(1) the establishment or enhancement of spe-
23 cialized training programs for law enforcement offi-
24 cers, first responders, health care officials, child wel-

1 fare officials, juvenile justice personnel, prosecutors,
2 and judicial personnel to—

3 “(A) identify victims and acts of child
4 human trafficking;

5 “(B) address the unique needs of victims
6 of child human trafficking;

7 “(C) facilitate the rescue of victims of child
8 human trafficking;

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

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

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

1 “(A) funding salaries, in whole or in part,
2 for law enforcement officers, including patrol
3 officers, detectives, and investigators, except
4 that the percentage of the salary of the law en-
5 forcement officer paid for by funds from a
6 grant awarded under this section shall not be
7 more than the percentage of the officer’s time
8 on duty that is dedicated to working on cases
9 involving child human trafficking;

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

12 “(i) wire taps;

13 “(ii) consultants with expertise spe-
14 cific to cases involving child human traf-
15 ficking;

16 “(iii) travel; and

17 “(iv) other technical assistance ex-
18 penditures;

19 “(C) dedicated anti-child human traf-
20 ficking prosecution units, including the funding
21 of salaries for State and local prosecutors, in-
22 cluding assisting in paying trial expenses for
23 prosecution of child human trafficking offenses,
24 except that the percentage of the total salary of
25 a State or local prosecutor that is paid using an

1 award under this section shall be not more than
2 the percentage of the total number of hours
3 worked by the prosecutor that is spent working
4 on cases involving child human trafficking; and

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

13 “(i) child advocacy centers;

14 “(ii) social service agencies;

15 “(iii) State governmental health serv-
16 ice agencies;

17 “(iv) housing agencies;

18 “(v) legal services agencies; and

19 “(vi) non-governmental organizations
20 and shelter service providers with substan-
21 tial experience in delivering services to vic-
22 tims of child human trafficking;

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

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

8 “(B) the development of specialized and in-
9 dividualized treatment programs for identified
10 victims of child human trafficking, including—

11 “(i) State-administered outpatient
12 treatment;

13 “(ii) life skills training;

14 “(iii) housing placement;

15 “(iv) vocational training;

16 “(v) education;

17 “(vi) family support services; and

18 “(vii) job placement; and

19 “(C) collaborative efforts with child advo-
20 cacy centers, child welfare agencies, shelters,
21 and non-governmental organizations to provide
22 services to victims and encourage cooperation
23 with law enforcement; and

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

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

6 “(B) 24-hour emergency social services re-
7 sponse systems; and

8 “(C) counseling and case management
9 services.

10 “(c) APPLICATION.—

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

15 “(2) REQUIRED INFORMATION.—An application
16 submitted under this subsection shall—

17 “(A) disclose—

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

1 “(ii) any other such grant funding
2 that the eligible entity has received during
3 the 5 year period prior to the date of the
4 submission of an application under this
5 section;

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

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

10 “(D) provide such additional information
11 and assurances as the Attorney General deter-
12 mines to be necessary to ensure compliance
13 with the requirements of this section.

14 “(3) PREFERENCE.—In reviewing applications
15 submitted in accordance with paragraphs (1) and
16 (2), the Attorney General shall give preference to
17 grant applications if—

18 “(A) the application includes a plan to use
19 awarded funds to engage in all activities de-
20 scribed under paragraphs (1) and (2) of sub-
21 section (b); or

22 “(B) the application includes a plan by the
23 State or unit of local government to continue
24 funding of all activities funded by the award
25 after the expiration of the award.

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

2 “(1) IN GENERAL.—A grant under this section
3 shall expire 1 year after the date of award of the
4 grant.

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

8 “(e) EVALUATION.—The Attorney General shall
9 enter into a contract with an academic or non-profit orga-
10 nization that has experience in issues related to child
11 human trafficking and evaluation of grant programs to
12 conduct an annual evaluation of grants made under this
13 section to determine the impact and effectiveness of pro-
14 grams funded with grants awarded under this section, and
15 shall submit any such evaluation to the Committee on the
16 Judiciary of the House of Representatives and the Com-
17 mittee on the Judiciary of the Senate.

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

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

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

4 “(1) 70 percent in the first year;

5 “(2) 60 percent in the second year; and

6 “(3) 50 percent in the third year.

7 “(i) DEFINITIONS.—In this section—

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

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

13 “(3) the term ‘child human trafficking’ means
14 1 or more severe forms of trafficking in persons (as
15 defined in section 103 of the Trafficking Victims
16 Protection Act of 2000 (22 U.S.C. 7102)) involving
17 a victim who is a child; and

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

20 “(A) has significant criminal activity in-
21 volving child human trafficking;

22 “(B) has demonstrated cooperation be-
23 tween Federal, State, local, and, where applica-
24 ble, tribal law enforcement agencies, prosecu-

1 tors, and social service providers in addressing
2 child human trafficking; and

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

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

7 (A) by striking “Secretary of Health and
8 Human Services” and inserting “Attorney Gen-
9 eral, in consultation with the Secretary of
10 Health and Human Services,”; and

11 (B) by striking “fiscal years 2008 through
12 2011” and inserting “fiscal years 2015 through
13 2019”.

14 **SEC. 4. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE**

15 **ACT OF 1990.**

16 (a) REAUTHORIZATION OF VICTIMS OF CHILD ABUSE
17 ACT OF 1990.—Section 214B of the Victims of Child
18 Abuse Act of 1990 (42 U.S.C. 13004) is amended—

19 (1) in subsection (a), by striking “fiscal years
20 2004 and 2005” and inserting “fiscal years 2015
21 through 2019”; and

22 (2) in subsection (b), by striking “fiscal years
23 2004 and 2005” and inserting “fiscal years 2015
24 through 2019”.

1 (b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-
2 NOGRAPHY.—The Victims of Child Abuse Act of 1990 (42
3 U.S.C. 13001 et seq.) is amended—

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

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

9 (A) by redesignating subsections (b), (c),
10 and (d) as subsections (c), (d), and (e), respec-
11 tively; and

12 (B) by inserting after subsection (a) the
13 following:

14 “(b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-
15 NOGRAPHY.—The Administrator, in coordination with the
16 Director and with the Director of the Office of Victims
17 of Crime, may make grants to develop and implement spe-
18 cialized programs to identify and provide direct services
19 to victims of child pornography.”.

20 (c) OVERSIGHT AND ACCOUNTABILITY.—

21 (1) LOCAL CHILDREN’S ADVOCACY CENTERS.—

22 Section 214 of the Victims of Child Abuse Act of
23 1990 (42 U.S.C. 13002), as amended by this Act,
24 is further amended by inserting at the end the fol-
25 lowing:

1 “(f) OVERSIGHT AND ACCOUNTABILITY.—

2 “(1) ACCOUNTABILITY REQUIREMENT.—A
3 grant recipient under this section is subject to the
4 requirements of section 10 of the Justice for Victims
5 of Trafficking Act of 2014.

6 “(2) DISCLOSURE OF ADDITIONAL SOURCES OF
7 FEDERAL FUNDING.—An application for a grant
8 under this section shall disclose—

9 “(A) any other grant funding from the De-
10 partment of Justice or from any other Federal
11 department or agency for purposes similar to
12 those described in subsection (a) for which the
13 entity has applied, and which application is
14 pending on the date of the submission of an ap-
15 plication under this section; and

16 “(B) any other such grant funding that
17 the entity has received during the 5 year period
18 prior to the date of the submission of an appli-
19 cation under this section.”.

20 (2) GRANTS FOR SPECIALIZED TECHNICAL AS-
21 SISTANCE AND TRAINING PROGRAMS.—Section 214A
22 of the Victims of Child Abuse Act of 1990 (42
23 U.S.C. 13003) is amended by inserting at the end
24 the following:

25 “(d) OVERSIGHT AND ACCOUNTABILITY.—

1 “(1) ACCOUNTABILITY REQUIREMENT.—A
2 grant recipient under this section is subject to the
3 requirements of section 10 of the Justice for Victims
4 of Trafficking Act of 2014.

5 “(2) DISCLOSURE OF ADDITIONAL SOURCES OF
6 FEDERAL FUNDING.—An application for a grant
7 under this section shall disclose—

8 “(A) any other grant funding from the De-
9 partment of Justice or from any other Federal
10 department or agency for purposes similar to
11 those described in subsection (a) for which the
12 organization has applied, and which application
13 is pending on the date of the submission of an
14 application under this section; and

15 “(B) any other such grant funding that
16 the organization has received during the 5 year
17 period prior to the date of the submission of an
18 application under this section.”.

19 **SEC. 5. STREAMLINING STATE AND LOCAL HUMAN TRAF-**
20 **FICKING INVESTIGATIONS.**

21 Section 2516(2) of title 18, United States Code, is
22 amended by inserting “human trafficking, child sexual ex-
23 ploitation, child pornography production,” after “kidnap-
24 ping,”.

1 **SEC. 6. 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. 7. REDUCING DEMAND FOR SEX TRAFFICKING.**

25 (a) IN GENERAL.—Section 1591 of title 18, United
26 States Code, is 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 (b) DEFINITION AMENDED.—Section 103(10) of the
19 Trafficking Victims Protection Act of 2000 (22 U.S.C.
20 7102(10)) is amended by striking “or obtaining” and in-
21 serting “obtaining, patronizing, or soliciting”.

22 **SEC. 8. USING EXISTING TASK FORCES TO TARGET OF-**
23 **FENDERS WHO EXPLOIT CHILDREN.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Attorney General shall ensure that all task

1 forces and working groups within the Violent Crimes
2 Against Children Program engage in activities, programs,
3 or operations to increase the investigative capabilities of
4 State and local law enforcement officers in the detection,
5 investigation, and prosecution of persons who patronize,
6 or solicit children for sex.

7 **SEC. 9. HOLDING SEX TRAFFICKERS ACCOUNTABLE.**

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

11 **SEC. 10. OVERSIGHT AND ACCOUNTABILITY.**

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

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

24 (c) **REIMBURSEMENT.**—If a covered grantee is
25 awarded funds under the covered grant program from

1 which it received a grant award during the 2-fiscal year
2 period during which the covered grantee is ineligible for
3 an allocation of grant funds as a result of subsection (b),
4 the Attorney General shall—

5 (1) deposit an amount equal to the amount of
6 the grant funds that were improperly awarded to the
7 covered grantee into the General Fund of the Treas-
8 ury; and

9 (2) seek to recoup the costs of the repayment
10 to the Fund from the covered grantee that was erro-
11 neously awarded grant funds.

12 (d) NONPROFIT ORGANIZATION REQUIREMENTS.—

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

19 (2) PROHIBITION.—A nonprofit organization
20 that holds money in offshore accounts for the pur-
21 pose of avoiding paying the tax described in section
22 511(a) of the Internal Revenue Code of 1986, shall
23 not be eligible to receive, directly or indirectly, any
24 funds from a covered grant program.

1 (3) DISCLOSURE.—Each nonprofit organization
2 that is a covered grantee shall disclose in its applica-
3 tion for such a grant, as a condition of receipt of
4 such a grant, the compensation of its officers, direc-
5 tors, and trustees. Such disclosure shall include a
6 description of the criteria relied upon to determine
7 such compensation.

8 (e) CONFERENCE EXPENDITURES.—

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

23 (2) WRITTEN APPROVAL.—Written approval
24 under paragraph (1) shall include a written estimate
25 of all costs associated with the conference, including

1 the cost of all food, beverages, audio-visual equip-
2 ment, honoraria for speakers, and entertainment.

3 (3) REPORT.—The Deputy Attorney General
4 shall submit an annual report to the Committee on
5 the Judiciary of the Senate and the Committee on
6 the Judiciary of the House of Representatives on all
7 conference expenditures approved under this sub-
8 section.

9 (f) PROHIBITION ON LOBBYING ACTIVITY.—

10 (1) IN GENERAL.—Amounts made available
11 under a covered grant program may not be used by
12 any covered grantee to—

13 (A) lobby any representative of the Depart-
14 ment of Justice regarding the award of grant
15 funding; or

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

19 (2) PENALTY.—If the Attorney General deter-
20 mines that a covered grantee has violated paragraph
21 (1), the Attorney General shall—

22 (A) require the covered grantee to repay
23 the grant in full; and

24 (B) prohibit the covered grantee from re-
25 ceiving a grant under the covered grant pro-

1 gram from which it received a grant award dur-
2 ing at least the 5-year period beginning on the
3 date of such violation.

4 (g) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) The term “covered grant program” means
7 the following:

8 (A) The grant program under section 203
9 of the Trafficking Victims Protection Reauthor-
10 ization Act of 2005 (42 U.S.C. 14044b).

11 (B) The grant programs under section 214
12 and 214A of the Victims of Child Abuse Act of
13 1990 (42 U.S.C. 13002, 13003).

14 (2) The term “covered grantee” means a recipi-
15 ent of a grant from a covered grant program.

16 (3) The term “unresolved audit finding” means
17 an audit report finding in a final audit report of the
18 Inspector General of the Department of Justice that
19 a covered grantee has used grant funds awarded to
20 that grantee under a covered grant program for an
21 unauthorized expenditure or otherwise unallowable
22 cost that is not closed or resolved during the 12-
23 month period beginning on the date on which the
24 final audit report is issued.

