

112TH CONGRESS
1ST SESSION

S. 596

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

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2011

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

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 “Domestic Minor Sex
5 Trafficking Deterrence and Victims Support Act of
6 2011”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Human trafficking is modern-day slavery. It
10 is one of the fastest-growing, and the second largest,

1 criminal enterprise in the world. Human trafficking
2 generates an estimated profit of \$32,000,000,000
3 per year, worldwide.

4 (2) In the United States, human trafficking is
5 an increasing problem. This criminal enterprise vic-
6 timizes individuals in the United States, many of
7 them children, who are forced into prostitution, and
8 foreigners brought into the country, often under
9 false pretenses, who are coerced into forced labor or
10 commercial sexual exploitation.

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

21 (4) National Incidence Studies of Missing, Ab-
22 ducted, Runaway and Throwaway Children, the de-
23 finitive study of episodes of missing children, found
24 that of the children who are victims of non-family
25 abduction, runaway or throwaway children, the po-

1 lice are alerted by family or guardians in only 21
2 percent of the cases. In 79 percent of cases there is
3 no report and no police involvement, and therefore
4 no official attempt to find the child.

5 (5) In 2007, the Administration of Children
6 and Families, Department of Health and Human
7 Services, reported to the Federal Government
8 265,000 cases of serious physical, sexual, or psycho-
9 logical abuse of children.

10 (6) Experts estimate that each year at least
11 100,000 children in the United States are exploited
12 through prostitution.

13 (7) Children who have run away from home are
14 at a high risk of becoming exploited through sex
15 trafficking. Children who have run away multiple
16 times are at much higher risk of not returning home
17 and of engaging in prostitution.

18 (8) The vast majority of children involved in sex
19 trafficking have suffered previous sexual or physical
20 abuse, live in poverty, or have no stable home or
21 family life. These children require a comprehensive
22 framework of specialized treatment and mental
23 health counseling that addresses post-traumatic
24 stress, depression, and sexual exploitation.

1 (9) The average age of first exploitation
2 through prostitution is 13. Seventy-five percent of
3 minors exploited through prostitution have a pimp.
4 A pimp can earn \$200,000 per year prostituting 1
5 sex trafficking victim.

6 (10) Sex trafficking of minors is a complex and
7 varied criminal problem that requires a multi-dis-
8 ciplinary, cooperative solution. Reducing trafficking
9 will require the Government to address victims,
10 pimps, and johns, and to provide training specific to
11 sex trafficking for law enforcement officers and
12 prosecutors, and child welfare, public health, and
13 other social service providers.

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

1 (12) Human trafficking victims are often either
2 not identified as trafficking victims or are
3 mischaracterized as criminal offenders. Both private
4 and public sector personnel play a significant role in
5 identifying trafficking victims and potential victims,
6 such as runaways. Examples of such personnel in-
7 clude hotel staff, flight attendants, health care pro-
8 viders, educators, and parks and recreation per-
9 sonnel. Efforts to train these individuals can bolster
10 law enforcement efforts to reduce human trafficking.

11 (13) Minor sex trafficking victims are under the
12 age of 18. Because minors do not have the capacity
13 to consent to their own commercial sexual exploi-
14 tation, minor sex trafficking victims should not be
15 charged as criminal defendants. Instead, minor vic-
16 tims of sex trafficking should have access to treat-
17 ment and services to help them recover from their
18 sexual exploitation, and should also be provided ac-
19 cess to appropriate compensation for harm they have
20 suffered.

21 (14) Several States have recently passed or are
22 considering legislation that establishes a presump-
23 tion that a minor charged with a prostitution offense
24 is a severely trafficked person and should instead be
25 cared for through the child protection system. Some

1 such legislation also provides support and services to
2 minor sex trafficking victims who are under the age
3 of 18 years old. These services include safe houses,
4 crisis intervention programs, community-based pro-
5 grams, and law-enforcement training to help officers
6 identify minor sex trafficking victims.

7 (15) Sex trafficking of minors is not a problem
8 that occurs only in urban settings. This crime also
9 exists in rural areas and on Indian reservations. Ef-
10 forts to address sex trafficking of minors should in-
11 clude partnerships with organizations that seek to
12 address the needs of such underserved communities.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of the Congress that—

15 (1) the Attorney General should implement
16 changes to the National Crime Information Center
17 database to ensure that—

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

22 (B) the database is programmed to cross-
23 reference newly entered reports with historical
24 records already in the database; and

1 (C) the database is programmed to include
2 a visual cue on the record of a child designated
3 as an endangered juvenile to assist law enforce-
4 ment officers in recognizing the child and pro-
5 viding the child with appropriate care and serv-
6 ices;

7 (2) funds awarded under subpart 1 of part E
8 of title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
10 monly known as Byrne Grants) should be used to
11 provide education, training, deterrence, and preven-
12 tion programs relating to sex trafficking of minors;

13 (3) States should—

14 (A) treat minor victims of sex trafficking
15 as crime victims rather than as criminal defend-
16 ants or juvenile delinquents;

17 (B) adopt policies that—

18 (i) establish the presumption that a
19 child under the age of 18 who is charged
20 with a prostitution offense is a minor vic-
21 tim of sex trafficking;

22 (ii) avoid the criminal charge of pros-
23 titution for such a child, and instead con-
24 sider such a child a victim of crime and

1 provide the child with appropriate services
2 and treatment; and

3 (iii) strengthen criminal provisions
4 prohibiting the purchasing of commercial
5 sex acts, especially with minors;

6 (C) amend State statutes and regula-
7 tions—

8 (i) relating to crime victim compensa-
9 tion to make eligible for such compensation
10 any individual who is a victim of sex traf-
11 ficking as defined in section 1591(a) of
12 title 18, United States Code, or a com-
13 parable State law against commercial sex-
14 ual exploitation of children, and who would
15 otherwise be ineligible for such compensa-
16 tion due to participation in prostitution ac-
17 tivities because the individual is deter-
18 mined to have contributed to, consented to,
19 benefitted from, or otherwise participated
20 as a party to the crime for which the indi-
21 vidual is claiming injury; and

22 (ii) relating to law enforcement re-
23 porting requirements to provide for excep-
24 tions to such requirements for victims of
25 sex trafficking in the same manner as ex-

1 ceptions are provided to victims of domes-
 2 tic violence or related crimes; and

3 (4) demand for commercial sex with minors
 4 must be deterred through consistent enforcement of
 5 criminal laws against purchasing commercial sex.

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

7 (a) IN GENERAL.—Section 204 of the Trafficking
 8 Victims Protection Reauthorization Act of 2005 (42
 9 U.S.C. 14044c) is amended to read as follows:

10 **“SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO**
 11 **COMBAT TRAFFICKING IN PERSONS.**

12 “(a) SEX TRAFFICKING BLOCK GRANTS.—

13 “(1) DEFINITIONS.—In this section—

14 “(A) the term ‘Assistant Attorney General’
 15 means the Assistant Attorney General for the
 16 Office of Justice Programs of the Department
 17 of Justice;

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

20 “(i) has significant criminal activity
 21 involving sex trafficking of minors;

22 “(ii) has demonstrated cooperation be-
 23 tween Federal, State, local, and, where ap-
 24 plicable, tribal law enforcement agencies,

1 prosecutors, and social service providers in
2 addressing sex trafficking of minors;

3 “(iii) has developed a workable, multi-
4 disciplinary plan to combat sex trafficking
5 of minors, including—

6 “(I) the establishment of a shel-
7 ter for minor victims of sex traf-
8 ficking, through existing or new facili-
9 ties;

10 “(II) the provision of rehabilita-
11 tive care to minor victims of sex traf-
12 ficking;

13 “(III) the provision of specialized
14 training for law enforcement officers
15 and social service providers for all
16 forms of sex trafficking, with a focus
17 on sex trafficking of minors;

18 “(IV) prevention, deterrence, and
19 prosecution of offenses involving sex
20 trafficking of minors;

21 “(V) cooperation or referral
22 agreements with organizations pro-
23 viding outreach or other related serv-
24 ices to runaway and homeless youth;
25 and

1 “(VI) law enforcement protocols
2 or procedures to screen all individuals
3 arrested for prostitution, whether
4 adult or minor, for victimization by
5 sex trafficking and by other crimes,
6 such as sexual assault and domestic
7 violence; and

8 “(iv) provides an assurance that,
9 under the plan under clause (iii), a minor
10 victim of sex trafficking shall not be re-
11 quired to collaborate with law enforcement
12 to have access to any shelter or services
13 provided with a grant under this section;

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

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

20 “(ii) at least 18 years old but not
21 more than 20 years old, and who, on the
22 day before the individual attained 18 years
23 of age, was described in clause (i) and was
24 receiving shelter or services as a minor vic-
25 tim of sex trafficking;

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

3 “(i) is not a State or unit of local gov-
4 ernment, or an agency of a State or unit
5 of local government;

6 “(ii) has demonstrated experience pro-
7 viding services to victims of sex trafficking
8 or related populations (such as runaway
9 and homeless youth), or employs staff spe-
10 cialized in the treatment of sex trafficking
11 victims; and

12 “(iii) demonstrates a plan to sustain
13 the provision of services beyond the period
14 of a grant awarded under this section;

15 “(E) the term ‘severe forms of trafficking
16 in persons’ has the meaning given that term in
17 section 103 of the Trafficking Victims Protec-
18 tion Act of 2000 (22 U.S.C. 7102); and

19 “(F) the term ‘sex trafficking of a minor’
20 means an offense described in subsection (a) of
21 section 1591 of title 18, United States Code,
22 the victim of which is a minor.

23 “(2) GRANTS AUTHORIZED.—

24 “(A) IN GENERAL.—The Assistant Attor-
25 ney General, in consultation with the Assistant

1 Secretary for Children and Families of the De-
2 partment of Health and Human Services, is au-
3 thorized to award block grants to 6 eligible en-
4 tities in different regions of the United States
5 to combat sex trafficking of minors, and not
6 fewer than 1 of the block grants shall be award-
7 ed to an eligible entity with a State population
8 of less than 5,000,000. Each eligible entity
9 awarded a block grant under this subparagraph
10 shall certify that Federal funds received under
11 the block grant will be used to combat only
12 interstate sex trafficking.

13 “(B) GRANT AMOUNT.—Subject to the
14 availability of appropriations under subsection
15 (g) to carry out this section, each grant award-
16 ed under this section shall be for an amount
17 not less than \$2,000,000 and not greater than
18 \$2,500,000.

19 “(C) DURATION.—

20 “(i) IN GENERAL.—A grant awarded
21 under this section shall be for a period of
22 1 year.

23 “(ii) RENEWAL.—

24 “(I) IN GENERAL.—The Assist-
25 ant Attorney General may renew a

1 grant under this section for two 1-
2 year periods.

3 “(II) PRIORITY.—In awarding
4 grants in any fiscal year after the
5 first fiscal year in which grants are
6 awarded under this section, the As-
7 sistant Attorney General shall give
8 priority to applicants that received a
9 grant in the preceding fiscal year and
10 are eligible for renewal under this
11 subparagraph, taking into account
12 any evaluation of such applicant con-
13 ducted pursuant to paragraph (5), if
14 available.

15 “(D) CONSULTATION.—In carrying out
16 this section, consultation by the Assistant At-
17 torney General with the Assistant Secretary for
18 Children and Families of the Department of
19 Health and Human Services shall include con-
20 sultation with respect to grantee evaluations,
21 the avoidance of unintentional duplication of
22 grants, and any other areas of shared concern.

23 “(3) USE OF FUNDS.—

24 “(A) ALLOCATION.—For each grant
25 awarded under paragraph (2)—

1 “(i) not less than 67 percent of the
2 funds shall be used by the eligible entity to
3 provide shelter and services (as described
4 in clauses (i) through (iv) of subparagraph
5 (B)) to minor victims of sex trafficking
6 through qualified nongovernmental organi-
7 zations; and

8 “(ii) not less than 10 percent of the
9 funds shall be awarded by the eligible enti-
10 ty to one or more qualified nongovern-
11 mental organizations with annual revenues
12 of less than \$750,000, to provide services
13 to minor victims of sex trafficking or train-
14 ing for service providers related to sex traf-
15 ficking of minors.

16 “(B) AUTHORIZED ACTIVITIES.—Grants
17 awarded pursuant to paragraph (2) may be
18 used for—

19 “(i) providing shelter to minor victims
20 of sex trafficking, including temporary or
21 long-term placement as appropriate;

22 “(ii) providing 24-hour emergency so-
23 cial services response for minor victims of
24 sex trafficking;

1 “(iii) providing minor victims of sex
2 trafficking with clothing and other daily
3 necessities needed to keep such victims
4 from returning to living on the street;

5 “(iv) case management services for
6 minor victims of sex trafficking;

7 “(v) mental health counseling for
8 minor victims of sex trafficking, including
9 specialized counseling and substance abuse
10 treatment;

11 “(vi) legal services for minor victims
12 of sex trafficking;

13 “(vii) specialized training for law en-
14 forcement personnel, social service pro-
15 viders, public sector personnel, and private
16 sector personnel likely to encounter sex
17 trafficking victims on issues related to the
18 sex trafficking of minors and severe forms
19 of trafficking in persons;

20 “(viii) funding salaries, in whole or in
21 part, for law enforcement officers, includ-
22 ing patrol officers, detectives, and inves-
23 tigators, except that the percentage of the
24 salary of the law enforcement officer paid
25 for by funds from a grant awarded under

1 paragraph (2) shall not be more than the
2 percentage of the officer's time on duty
3 that is dedicated to working on cases in-
4 volving sex trafficking of minors;

5 “(ix) subject to subparagraph (C),
6 funding salaries for State and local pros-
7 ecutors, including assisting in paying trial
8 expenses for prosecution of sex trafficking
9 offenders;

10 “(x) investigation expenses for cases
11 involving sex trafficking of minors, includ-
12 ing—

13 “(I) wire taps;

14 “(II) consultants with expertise
15 specific to cases involving sex traf-
16 ficking of minors;

17 “(III) travel; and

18 “(IV) any other technical assist-
19 ance expenditures;

20 “(xi) outreach and education pro-
21 grams to provide information about deter-
22 rence and prevention of sex trafficking of
23 minors;

24 “(xii) programs to provide treatment
25 to individuals charged or cited with pur-

1 chasing or attempting to purchase sex acts
2 in cases where—

3 “(I) a treatment program can be
4 mandated as a condition of a sen-
5 tence, fine, suspended sentence, or
6 probation, or is an appropriate alter-
7 native to criminal prosecution; and

8 “(II) the individual was not
9 charged with purchasing or attempt-
10 ing to purchase sex acts with a minor;
11 and

12 “(xiii) screening and referral of minor
13 victims of severe forms of trafficking in
14 persons.

15 “(C) LIMITATION ON USE FOR SALA-
16 RIES.—The percentage of the total salary of a
17 State or local prosecutor that is paid using a
18 grant awarded pursuant to paragraph (2) shall
19 be not more than the percentage of the total
20 number of hours worked by the prosecutor that
21 is spent working on cases involving sex traf-
22 ficking of minors.

23 “(4) APPLICATION.—

24 “(A) IN GENERAL.—Each eligible entity
25 desiring a grant under this section shall submit

1 an application to the Assistant Attorney Gen-
2 eral at such time, in such manner, and accom-
3 panied by such information as the Assistant At-
4 torney General may reasonably require.

5 “(B) CONTENTS.—Each application sub-
6 mitted pursuant to subparagraph (A) shall—

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

9 “(ii) provide such additional assur-
10 ances as the Assistant Attorney General
11 determines to be essential to ensure com-
12 pliance with the requirements of this sec-
13 tion.

14 “(5) EVALUATION.—The Assistant Attorney
15 General shall enter into a contract with an academic
16 or non-profit organization that has experience in
17 issues related to sex trafficking of minors and eval-
18 uation of grant programs to conduct an annual eval-
19 uation of grants made under this section to deter-
20 mine the impact and effectiveness of programs fund-
21 ed with grants awarded under paragraph (2).

22 “(b) MANDATORY EXCLUSION.—Any grantee award-
23 ed funds under this section that is found to have utilized
24 grant funds for any unauthorized expenditure or otherwise
25 unallowable cost shall not be eligible for any grant funds

1 awarded under the block grant for 2 fiscal years following
2 the year in which the unauthorized expenditure or unal-
3 lowable cost is reported.

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

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

14 “(e) AUDIT REQUIREMENT.—For fiscal years 2014
15 and 2015, the Inspector General of the Department of
16 Justice shall conduct an audit of all 6 grantees awarded
17 block grants under this section.

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

22 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Attorney General
24 to carry out this section \$15,000,000 for each of the fiscal
25 years 2013 through 2015.”.

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

6 (c) GAO EVALUATION.—Not later than 30 months
7 after the date of enactment of this Act, the Comptroller
8 General of the United States shall conduct a study of and
9 submit to Congress a report evaluating the impact of this
10 Act and the amendments made by this Act in aiding minor
11 victims of sex trafficking in the United States and increas-
12 ing the ability of law enforcement agencies to prosecute
13 sex trafficking offenders, which shall include recommenda-
14 tions, if any, regarding any legislative or administrative
15 action the Comptroller General determines appropriate.

16 **SEC. 5. REPORTING REQUIREMENTS.**

17 (a) REPORTING REQUIREMENT FOR STATE CHILD
18 WELFARE AGENCIES.—

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

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

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

3 (C) by inserting after paragraph (33) the
4 following:

5 “(34) provides that the State has in effect pro-
6 cedures that require the State agency to promptly
7 report information on missing or abducted children
8 to the law enforcement authorities for entry into the
9 National Crime Information Center (NCIC) data-
10 base of the Federal Bureau of Investigation, estab-
11 lished pursuant to section 534 of title 28, United
12 States Code.”.

13 (2) REGULATIONS.—The Secretary of Health
14 and Human Services shall promulgate regulations
15 implementing the amendments made by paragraph
16 (1). The regulations promulgated under this sub-
17 section shall include provisions to withhold Federal
18 funds from any State that fails to substantially com-
19 ply with the requirement imposed under the amend-
20 ments made by paragraph (1).

21 (3) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall take effect on the date that
23 is 1 year after the date of the enactment of this Act,
24 without regard to whether final regulations required
25 under paragraph (2) have been promulgated.

1 (b) ANNUAL STATISTICAL SUMMARY.—Section
2 3701(c) of the Crime Control Act of 1990 (42 U.S.C.
3 5779(c)) is amended by inserting “, which shall include
4 the total number of reports received and the total number
5 of entries made to the National Crime Information Center
6 (NCIC) database of the Federal Bureau of Investigation,
7 established pursuant to section 534 of title 28, United
8 States Code.” after “this title”.

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

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

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

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

18 (4) by redesignating subparagraph (C) as sub-
19 paragraph (D); and

20 (5) by inserting after subparagraph (B) the fol-
21 lowing:

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

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

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

5 Section 225(b) of the Trafficking Victims Reauthor-
6 ization 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 pros-
14 titution by including safe harbor provisions that—

15 “(A) treat an individual under 18 years of
16 age who has been arrested for offering to en-
17 gage in or engaging in a sexual act with an-
18 other person in exchange for monetary com-
19 pensation as a victim of a severe form of traf-
20 ficking in persons;

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

24 “(C) require the referral of an individual
25 described in subparagraph (A) to comprehensive

1 service or community-based programs that pro-
2 vide assistance to child victims of commercial
3 sexual exploitation, to the extent that com-
4 prehensive service or community-based pro-
5 grams exist; and

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

11 **SEC. 7. SUBPOENA AUTHORITY.**

12 Section 566(e)(1) of title 28, United States Code, is
13 amended—

14 (1) in subparagraph (A), by striking “and” at
15 the end;

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

18 (3) by adding at the end the following:

19 “(C) issue administrative subpoenas in accord-
20 ance with section 3486 of title 18, solely for the pur-
21 pose of investigating unregistered sex offenders (as
22 defined in such section 3486).”.

23 **SEC. 8. PROTECTION OF CHILD WITNESSES.**

24 Section 1514 of title 18, United States Code, is
25 amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by inserting “or its own motion,”
4 after “attorney for the Government”; and

5 (ii) by inserting “or investigation”
6 after “Federal criminal case” each place it
7 appears;

8 (B) by redesignating paragraphs (2), (3),
9 and (4) as paragraphs (3), (4), and (5), respec-
10 tively;

11 (C) by inserting after paragraph (1) the
12 following:

13 “(2) In the case of a minor witness or victim, the
14 court shall issue a protective order prohibiting harassment
15 or intimidation of the minor victim or witness if the court
16 finds evidence that the conduct at issue is reasonably like-
17 ly to adversely affect the willingness of the minor witness
18 or victim to testify or otherwise participate in the Federal
19 criminal case or investigation. Any hearing regarding a
20 protective order under this paragraph shall be conducted
21 in accordance with paragraphs (1) and (3), except that
22 the court may issue an ex parte emergency protective
23 order in advance of a hearing if exigent circumstances are
24 present. If such an ex parte order is applied for or issued,

1 the court shall hold a hearing not later than 14 days after
2 the date such order was applied for or is issued.”;

3 (D) in paragraph (4), as so redesignated,
4 by striking “(and not by reference to the com-
5 plaint or other document)”;

6 (E) in paragraph (5), as so redesignated,
7 in the second sentence, by inserting before the
8 period at the end the following: “, except that
9 in the case of a minor victim or witness, the
10 court may order that such protective order ex-
11 pires on the later of 3 years after the date of
12 issuance or the date of the eighteenth birthday
13 of that minor victim or witness”;

14 (2) by striking subsection (c) and inserting the
15 following:

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

20 “(d)(1) As used in this section—

21 “(A) the term ‘course of conduct’ means a se-
22 ries of acts over a period of time, however short, in-
23 dicating a continuity of purpose;

1 “(B) the term ‘harassment’ means a serious act
2 or course of conduct directed at a specific person
3 that—

4 “(i) causes substantial emotional distress
5 in such person; and

6 “(ii) serves no legitimate purpose;

7 “(C) the term ‘immediate family member’ has
8 the meaning given that term in section 115 and in-
9 cludes grandchildren;

10 “(D) the term ‘intimidation’ means a serious
11 act or course of conduct directed at a specific person
12 that—

13 “(i) causes fear or apprehension in such
14 person; and

15 “(ii) serves no legitimate purpose;

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

18 “(F) the term ‘serious act’ means a single act
19 of threatening, retaliatory, harassing, or violent con-
20 duct that is reasonably likely to influence the will-
21 ingness of a victim or witness to testify or partici-
22 pate in a Federal criminal case or investigation; and

23 “(G) the term ‘specific person’ means a victim
24 or witness in a Federal criminal case or investiga-

1 tion, and includes an immediate family member of
2 such a victim or witness.

3 “(2) For purposes of subparagraphs (B)(ii) and
4 (D)(ii) of paragraph (1), a court shall presume, subject
5 to rebuttal by the person, that the distribution or publica-
6 tion using the Internet of a photograph of, or restricted
7 personal information regarding, a specific person serves
8 no legitimate purpose, unless that use is authorized by
9 that specific person, is for news reporting purposes, is de-
10 signed to locate that specific person (who has been re-
11 ported to law enforcement as a missing person), or is part
12 of a government-authorized effort to locate a fugitive or
13 person of interest in a criminal, antiterrorism, or national
14 security investigation.”.

15 **SEC. 9. SENTENCING GUIDELINES.**

16 Pursuant to its authority under section 994 of title
17 28, United States Code, and in accordance with this sec-
18 tion, the United States Sentencing Commission shall re-
19 view and amend the Federal sentencing guidelines and
20 policy statements to ensure—

21 (1) that the guidelines provide an additional
22 penalty increase of up to 8 offense levels, if appro-
23 priate, above the sentence otherwise applicable in
24 Part J of the Guidelines Manual if the defendant
25 was convicted of a violation of section 1591 of title

1 18, United States Code, or chapters 109A, 109B,
 2 110 or 117 of title 18, United States Code; and

3 (2) if the offense described in paragraph (1) in-
 4 volved causing or threatening to cause physical in-
 5 jury to a person under 18 years of age, in order to
 6 obstruct the administration of justice, an additional
 7 penalty increase of up to 12 levels, if appropriate,
 8 above the sentence otherwise applicable in Part J of
 9 the Guidelines Manual.

10 **SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD**
 11 **PORNOGRAPHY.**

12 (a) CERTAIN ACTIVITIES RELATING TO MATERIAL
 13 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—
 14 Section 2252(b)(2) of title 18, United States Code, is
 15 amended by inserting after “but if” the following: “any
 16 visual depiction involved in the offense involved a pre-
 17 pubescent minor or a minor who had not attained 12 years
 18 of age, such person shall be fined under this title and im-
 19 prisoned for not less than 1 year nor more than 20 years,
 20 or if”.

21 (b) CERTAIN ACTIVITIES RELATING TO MATERIAL
 22 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
 23 Section 2252A(b)(2) of title 18, United States Code, is
 24 amended by inserting after “but, if” the following: “any
 25 image of child pornography involved in the offense in-

1 volved a prepubescent minor or a minor who had not at-
2 tained 12 years of age, such person shall be fined under
3 this title and imprisoned for not less than 1 year nor more
4 than 20 years, or if”.

5 **SEC. 11. ADMINISTRATIVE SUBPOENAS.**

6 (a) IN GENERAL.—Section 3486(a)(1) of title 18,
7 United States Code, is amended—

8 (1) in subparagraph (A)—

9 (A) in clause (i), by striking “or” at the
10 end;

11 (B) by redesignating clause (ii) as clause
12 (iii); and

13 (C) by inserting after clause (i) the fol-
14 lowing:

15 “(ii) an unregistered sex offender con-
16 ducted by the United States Marshals
17 Service, the Director of the United States
18 Marshals Service; or”; and

19 (2) in subparagraph (D)—

20 (A) by striking “paragraph, the term” and
21 inserting the following: “paragraph—

22 “(i) the term”;

23 (B) by striking the period at the end and
24 inserting “; and”; and

25 (C) by adding at the end the following:

1 “(ii) the term ‘sex offender’ means an indi-
2 vidual required to register under the Sex Offender
3 Registration and Notification Act (42 U.S.C. 16901
4 et seq.).”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
6 Section 3486(a) of title 18, United States Code, is amend-
7 ed—

8 (1) in paragraph (6)(A), by striking “United
9 State” and inserting “United States”;

10 (2) in paragraph (9), by striking “(1)(A)(ii)”
11 and inserting “(1)(A)(iii)”; and

12 (3) in paragraph (10), by striking “paragraph
13 (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

14 **SEC. 12. REDUCING UNNECESSARY PRINTING AND PUB-**
15 **LISHING COSTS OF GOVERNMENT DOCU-**
16 **MENTS.**

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

21 (1) determine which Government publications
22 could be available on Government Web sites and no
23 longer printed and to devise a strategy to reduce
24 overall Government printing costs beginning with fis-
25 cal year 2013, except that the Director shall ensure

1 that essential printed documents prepared for Social
2 Security recipients, Medicare beneficiaries, and other
3 populations in areas with limited internet access or
4 use continue to remain available;

5 (2) establish Governmentwide Federal guide-
6 lines on employee printing;

7 (3) issue on the Office of Management and
8 Budget's public Web site the results of a cost-benefit
9 analysis on implementing a digital signature system
10 and on establishing employee printing identification
11 systems, such as the use of individual employee
12 cards or codes, to monitor the amount of printing
13 done by Federal employees, except that the Director
14 of the Office of Management and Budget shall en-
15 sure that Federal employee printing costs unrelated
16 to national defense, homeland security, border secu-
17 rity, national disasters, and other emergencies do
18 not exceed \$860,000,000 annually for fiscal years
19 2013 through 2015; and

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

1 (A) The name of the issuing agency, de-
2 partment, commission or office.

3 (B) The total number of copies of the doc-
4 ument printed.

5 (C) The collective cost of producing and
6 printing all of the copies of the document.

7 (D) The name of the firm publishing the
8 document.

9 **SEC. 13. BUDGETARY EFFECTS.**

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

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