

2013—Subsec. (c)(2). Pub. L. 113-4 substituted “\$250,000 for each of the fiscal years 2014 through 2017” for “\$1,000,000 for each of the fiscal years 2008 through 2011”.

2008—Subsec. (c)(1). Pub. L. 110-457, §302(2)(A), substituted “\$1,500,000 for each of the fiscal years 2008 through 2011” for “\$2,500,000 for each of the fiscal years 2006 and 2007” in two places.

Subsec. (c)(2). Pub. L. 110-457, §302(2)(B), which directed substitution of “2008 through 2011” for “2006 and 2007”, was executed by making the substitution for “2006 through 2007”, to reflect the probable intent of Congress.

BEST PRACTICES IN DELIVERING JUSTICE FOR VICTIMS OF TRAFFICKING

Pub. L. 115-392, §8, Dec. 21, 2018, 132 Stat. 5253, provided that: “Not later than 180 days after the date of enactment of this Act [Dec. 21, 2018], the Attorney General shall issue guidance to all offices and components of the Department of Justice—

“(1) emphasizing that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a severe form of trafficking in persons, as that term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9));

“(2) recommending and implementing best practices for the collection of special assessments under section 3014 of title 18, United States Code, as added by section 101 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 228), including a directive that civil liens are an authorized collection method and remedy under section 3613 of title 18, United States Code; and

“(3) clarifying that commercial sexual exploitation is a form of gender-based violence.”

ENDING GOVERNMENT PARTNERSHIPS WITH THE COMMERCIAL SEX INDUSTRY

Pub. L. 115-392, §19, Dec. 21, 2018, 132 Stat. 5258, provided that: “No Federal funds or resources may be used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that—

“(1) has the primary purpose of providing adult entertainment; and

“(2) derives profits from the commercial sex trade.”

RECOMMENDATIONS TO PREVENT SEX TRAFFICKING OF INDIAN WOMEN

Pub. L. 111-211, title II, §264, July 29, 2010, 124 Stat. 2300, provided that: “Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.”

§ 20702. Establishment of a grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking

(a) Definitions

In this section:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) Assistant Attorney General

The term “Assistant Attorney General” means the Assistant Attorney General for the

Office of Justice Programs of the Department of Justice.

(3) Eligible entity

The term “eligible entity” means a State or unit of local government that—

(A) has significant criminal activity involving sex trafficking of minors;

(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

(C) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

(i) building or establishing a residential care facility for minor victims of sex trafficking;

(ii) the provision of rehabilitative care to minor victims of sex trafficking;

(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

(iv) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

(D) provides assurance that a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to residential care or services provided with a grant under this section.

(4) Minor victim of sex trafficking

The term “minor victim of sex trafficking” means an individual who—

(A) is younger than 18 years of age, and is a victim of an offense described in section 1591(a) of title 18 or a comparable State law; or

(B)(i) is not younger than 18 years of age nor older than 20 years of age;

(ii) before the individual reached 18 years of age, was described in subparagraph (A); and

(iii) was receiving shelter or services as a minor victim of sex trafficking.

(5) Qualified nongovernmental organization

The term “qualified nongovernmental organization” means an organization that—

(A) is not a State or unit of local government, or an agency of a State or unit of local government;

(B) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

(C) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section.

(6) Sex trafficking of a minor

The term “sex trafficking of a minor” means an offense described in section 1591(a) of title 18 or a comparable State law, against a minor.

(b) Sex trafficking block grants

(1) Grants authorized

(A) In general

The Assistant Attorney General, in consultation with the Assistant Secretary, may make block grants to 4 eligible entities located in different regions of the United States to combat sex trafficking of minors.

(B) Requirement

Not fewer than 1 of the block grants made under subparagraph (A) shall be awarded to an eligible entity with a State population of less than 5,000,000.

(C) Grant amount

Subject to the availability of appropriations under subsection (g) to carry out this section, each grant made under this section shall be for an amount not less than \$1,500,000 and not greater than \$2,000,000.

(D) Duration

(i) In general

A grant made under this section shall be for a period of 1 year.

(ii) Renewal

(I) In general

The Assistant Attorney General may renew a grant under this section for up to 3 1-year periods.

(II) Priority

In making grants in any fiscal year after the first fiscal year in which grants are made under this section, the Assistant Attorney General shall give priority to an eligible entity that received a grant in the preceding fiscal year and is eligible for renewal under this subparagraph, taking into account any evaluation of the eligible entity conducted under paragraph (4), if available.

(E) Consultation

In carrying out this section, the Assistant Attorney General shall consult with the Assistant Secretary with respect to—

- (i) evaluations of grant recipients under paragraph (4);
- (ii) avoiding unintentional duplication of grants; and
- (iii) any other areas of shared concern.

(2) Use of funds

(A) Allocation

Not less than 67 percent of each grant made under paragraph (1) shall be used by the eligible entity to provide residential care and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations.

(B) Authorized activities

Grants awarded pursuant to paragraph (2) may be used for—

- (i) providing residential care to minor victims of sex trafficking, including temporary or long-term placement as appropriate;
- (ii) providing 24-hour emergency social services response for minor victims of sex trafficking;
- (iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;
- (iv) case management services for minor victims of sex trafficking;
- (v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;
- (vi) legal services for minor victims of sex trafficking;
- (vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors and severe forms of trafficking in persons;
- (viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors;
- (ix) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor; and

- (x) screening and referral of minor victims of severe forms of trafficking in persons.

(3) Application

(A) In general

Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

(B) Contents

Each application submitted pursuant to subparagraph (A) shall—

- (i) describe the activities for which assistance under this section is sought; and
- (ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

(4) Evaluation

The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues re-

lated to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of each grant made under this section to determine the impact and effectiveness of programs funded with the grant.

(c) Mandatory exclusion

An eligible entity that receives a grant under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

(d) Compliance requirement

An eligible entity shall not be eligible to receive a grant under this section if, during the 5 fiscal years before the eligible entity submits an application for the grant, the eligible entity has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

(e) Administrative cap

The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

(f) Audit requirement

For fiscal years 2016 and 2017, the Inspector General of the Department of Justice shall conduct an audit of all 4 eligible entities that receive block grants under this section.

(g) Match requirement

An eligible entity that receives a grant under this section shall provide a non-Federal match in an amount equal to not less than—

- (1) 15 percent of the grant during the first year;
- (2) 25 percent of the grant during the first renewal period;
- (3) 40 percent of the grant during the second renewal period; and
- (4) 50 percent of the grant during the third renewal period.

(h) No limitation on section 20705 grants

An entity that applies for a grant under section 20705 of this title is not prohibited from also applying for a grant under this section.

(i) Authorization of appropriations

There are authorized to be appropriated \$8,000,000 to the Attorney General for each of the fiscal years 2018 through 2021 to carry out this section.

(j) GAO evaluation

Not later than 30 months after March 7, 2013, the Comptroller General of the United States shall submit a report to Congress that contains—

- (1) an evaluation of the impact of this section in aiding minor victims of sex trafficking in the jurisdiction of the entity receiving the grant; and
- (2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

(Pub. L. 109–164, title II, §202, Jan. 10, 2006, 119 Stat. 3569; Pub. L. 110–457, title III, §302(3), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113–4, title XII, §1241(a), Mar. 7, 2013, 127 Stat. 149; Pub. L. 115–393, title III, §301(e)(1)(A), (3), Dec. 21, 2018, 132 Stat. 5272.)

REFERENCES IN TEXT

March 7, 2013, referred to in subsec. (j), was in the original “the date of the enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 113–4, which amended this section generally, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 14044a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Pub. L. 115–393, §301(e)(1)(A), amended section to read as it read on Mar 6, 2017. See 2013 Amendment note below. Prior to amendment, section consisted of subsecs. (a) to (d) relating to grant programs to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.

Subsec. (i). Pub. L. 115–393, §301(e)(3), substituted “2018 through 2021” for “2014 through 2017”.

2013—Pub. L. 113–4 temporarily amended section generally, so as to consist of subsecs. (a) to (j) relating to grant programs to develop, expand, and strengthen assistance programs for certain persons subject to trafficking. See Effective and Termination Dates of 2013 Amendment note below.

2008—Subsec. (d). Pub. L. 110–457 substituted “\$8,000,000 for each of the fiscal years 2008 through 2011” for “\$10,000,000 for each of the fiscal years 2006 and 2007”.

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115–393, title III, §301(e)(2), Dec. 21, 2018, 132 Stat. 5272, provided that: “The amendments made by paragraph (1) [amending this section and repealing provisions set out as a note under this section] shall take effect as though enacted on March 6, 2017.”

EFFECTIVE AND TERMINATION DATES OF 2013 AMENDMENT

Pub. L. 113–4, title XII, §1241(b), Mar. 7, 2013, 127 Stat. 153, which provided that the amendment made to this section by section 1241(a) of Pub. L. 113–4 would be effective during the 4-year period beginning on Mar. 7, 2013, was repealed by Pub. L. 115–393, title III, §301(e)(1)(B), Dec. 21, 2018, 132 Stat. 5272.

§ 20703. Victim-centered child human trafficking deterrence block grant program

(a) Grants authorized

The Attorney General may award block grants to an eligible entity to develop, improve, or expand domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims’ services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

(b) Authorized activities

Grants awarded under subsection (a) may be used for—

- (1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice