

## Legislative Bulletin.....December 21, 2010

**Contents:**

S. 2925 - Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010

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### **S. 2925 - Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010 (Sen. Wyden, D-OR)**

**Order of Business:** The legislation is scheduled to be considered on Tuesday, December 21, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** S. 2925 would establish a grant program for 6 grantees (state or local governments) to benefit victims of sex trafficking. *\*Note:* The bill that will be brought to the floor will include negotiated language that would prohibit grants awarded in this bill from being used for “medical care” that includes abortion or abortion services, or medical expenses that could be covered by Medicaid.

Highlights of the bill include the following:

- *Sense of Congress* stating that, among other things:
  - The Attorney General should implement changes to the National Crime Information Center database to ensure it is up to date with current information on missing children;
  - Byrne Grants should be used for education, training, deterrence, and prevention programs relating to sex trafficking of minors; and
  - States should adopt laws that strengthen sex trafficking of minor laws;
- *Sex Trafficking Block Grants.* The Assistant Attorney General is authorized to award block grants to 6 eligible entities in different regions of the U.S. to combat sex trafficking, and 1 of the grants shall be awarded to an eligible entity with a state population of less than 5 million. The grant amount is between \$2 million at \$2.5 million for one year, renewable twice.
- *Funding Allocation.* Not less than 67% of the funds from each grant shall be used for shelter and services to minor victims of sex trafficking through qualified nongovernmental organizations; and not less than 10% shall be awarded to NGOs with annual revenues of less than \$750,000.
- *Authorized Activities.* Shelter to minor victims; 24-hour emergency social services; clothing and other daily necessities for minor victims; case

- management services for minor victims; mental health counseling for minor victims; legal services for minor victims; specialized training for law enforcement; salaries for law enforcement officers, and state and local prosecutors; investigation expenses; outreach and education; and treatment programs.
- *Authorization.* \$15 million for each year from FY2012 through FY2014.
  - *GAO evaluation.* No later than 30 months after enactment, the Comptroller General shall conduct a study of and submit a report evaluating the impact of this act.
  - *Reporting Requirements.* Includes a reporting requirement for state child welfare agencies to report children missing or abducted to law enforcement officers for entry into the National Crime Information Center (NCIC) database of the FBI. Requires the state to notify the National Center for Missing and Exploited Children of each report related to missing children from a foster care family home or childcare institution.
  - *Protection for Child Trafficking Victims and Survivors.* Adds language to protect children exploited through prostitution by including safe harbor provisions.
  - *Protection of Child Witnesses.* Protects child witnesses or victims against harassment or intimidation.
  - *Minimum Penalties for Possession of Child Pornography.* Anyone with pornography of a minor under 12 shall be fined and imprisoned for no less than 1 year and no more than 20 years.

**Committee Action:** S. 2925 was introduced on December 22, 2009, and referred to the Senate Judiciary Committee where it was reported by Senator Leahy with an amendment in the nature of a substitute. On December 9, 2010, the Senate passed the bill with an amendment in the nature of a substitute by unanimous consent.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** The bill authorizes \$45 million over three years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill creates a new grant program and would establish a new federal crime.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes. The bill creates new reporting requirements for states.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Although the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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