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Sex Trafficking of Children in the United States: Overview and Issues for Congress

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Summary

The trafficking of individuals within U.S borders is commonly referred to as domestic human trafficking, and it occurs in every state of the nation. One form of domestic human trafficking is sex trafficking. Research indicates that most victims of sex trafficking into and within the United States are women and children, and the victims include U.S. citizens and noncitizens alike. Recently, Congress has focused attention on domestic sex trafficking, including the prostitution of children, which is the focus of this report.

Federal law does not define sex trafficking per se. However, the term "severe forms of trafficking in persons," as defined in the Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386) encompasses sex trafficking. "Severe forms of trafficking in persons" refers, in part, to "[s]ex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.... " Experts generally agree that the trafficking term applies to minors whether the child's actions were forced or appear to be voluntary.

The exact number of child victims of sex trafficking in the United States is unknown because comprehensive research and scientific data are lacking. Sex trafficking of children appears to be fueled by a variety of environmental and situational variables ranging from poverty or the use of prostitution by runaway and "thrown-away" children to provide for their subsistence needs to the recruitment of children by organized crime units for prostitution.

The TVPA has been the primary vehicle authorizing services to victims of trafficking. Several agencies have programs or administer grants to other entities to provide specific services to trafficking victims. Despite language that authorizes services for citizen, lawful permanent resident, and noncitizen victims, appropriations for trafficking victims' services have primarily been used to serve noncitizen victims. U.S. citizen victims are also eligible for certain crime victim benefits and public benefit entitlement programs, though these services are not tailored to trafficking victims. Of note, specialized services and support for minor victims of sex trafficking are limited. Organizations specializing in support for these victims may have fewer beds than might be needed to serve all victims. Other facilities, such as runaway and homeless youth shelters and foster care homes, may not be able to adequately meet the needs of victims or keep them from pimps/traffickers and other abusers.

In addition, it has been suggested that minor victims of sex trafficking—while too young to consent to sexual activity with adults—may at times be labeled as prostitutes or juvenile delinquents and treated as criminals rather than being identified and treated as trafficking victims. These children who are arrested may be placed in juvenile detention facilities instead of environments where they can receive needed social and protective services.

Finally, experts widely agree that any efforts to reduce the prevalence of child sex trafficking—as well as other forms of trafficking—should address not only the supply, but also the *demand*. Congress may consider demand reduction strategies such as increasing public awareness and prevention as well as bolstering investigations and prosecutions of those who buy illegal commercial sex ("johns"). In addition, policy makers may deliberate enhancing services for victims of trafficking. The most recent reauthorization of the TVPA, in March 2013, reauthorized some existing provisions, created a new grant program to combat child sex trafficking, and authorized appropriations through FY2017.

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Overview of Sex Trafficking of Children in the United States

Human trafficking involves the exploitation of individuals for forced labor or commercial sex. The trafficking of individuals within U.S borders is commonly referred to as domestic human trafficking, and it occurs in every state in the nation.[1] Of those individuals who are victims of sex trafficking, research indicates that most victims coming into and within the United States are women and children, and the victims include U.S. citizens and noncitizens alike. This report focuses on the sex trafficking of children in the United States.

The investigation and prosecution of human trafficking has often been carried out by the states, and all states and the District of Columbia have laws outlawing human trafficking, including sex trafficking in children.[2] Congress has focused recent attention on domestic sex trafficking of children, which includes commercial sex acts involving children under the age of 18. Under the Victims of Trafficking and Violence Protection Act of 2000 (TVPA), the primary law that addresses trafficking, sex trafficking of children is a federal crime—even if a child is not removed from his or her community.[3] Further, regardless of whether a child is believed to have consented to sex or whether the child represents himself/herself as an adult,[4] the child is considered a trafficking victim under federal law.

The exact number of child victims of sex trafficking in the United States is unknown because of challenges in defining the population and varying methodologies used to arrive at estimates.[5] U.S. citizens—adults and children alike—are more often victims of sex trafficking than labor trafficking.[6] One snapshot of the child victim population, albeit incomplete, comes from the Department of Justice (DOJ)-funded Human Trafficking Reporting System (HTRS). Data in the HTRS come from investigations opened by federally funded human trafficking task forces, and do not represent all incidences of human trafficking nationwide. In January 2008, the task forces began entering data into HTRS. Between January 1, 2008, and June 30, 2010, the task forces

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[1] For more information about trafficking generally, see U.S. Department of State, *Trafficking in Persons Report*, June 2013, http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm. See also CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen.

[2] See, for example, Ala. Code §13A-6-152; Ala. Code §13A-6-151(7); Alaska Stat. §§11-41-360 to 11-41-370; Ariz. Rev. Stat. Ann. §13-1307; Ark. Code Ann. §5-11-108; and Cal. Penal Code §§236.1 to 237. For a comparison of state laws, see Polaris Project, *2013 State Ratings on Human Trafficking Laws*.

[3] P.L. 106-386. This act is also called the Trafficking Victims Protection Act. The TVPA is codified under 22 U.S.C. §7101 et seq., 42 U.S.C. §14044 et seq., and 18 U.S.C. §1591 et seq. (the criminal statute pertaining to sex trafficking of children). Of note, sex trafficking may encompass a range of activities including prostitution, pornography, and stripping. However, for purposes of this report, sex trafficking is discussed primarily in terms of prostitution. Further, federal agencies have recently discussed sex trafficking in the context of the prostitution of children. For instance, see U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, August 2010, pp. 34-35. (Hereinafter, U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction*.)

[4] The law provides that in prosecutions involving a child victim, the government is not required to prove that the defendant knew that the person was under the age of 18. See 18 U.S.C. §1591(c).

[5] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, 2013, pp. 42-43. See also **Appendix A**. (Hereinafter, Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences.)

[6] U.S. Department of State, *Trafficking in Persons Report*, June 2011. Conversely, noncitizens are more likely to be victims of labor trafficking than of sex trafficking.

opened 2,515 investigations of human trafficking; 82% of these were classified as sex trafficking.[7] Of these sex trafficking cases, 83% involved U.S. citizen victims and 40% involved prostitution or sexual exploitation of a child.

Data from the National Human Trafficking Resource Center (NHTRC) can also provide a snapshot into sex trafficking in the United States. The NHTRC, a program of the Polaris Project, "is a national, toll-free hotline" that receives calls, texts, and tips on human trafficking.[8] The NHTRC determined that it received information on 4,884 potential trafficking cases in 2013.[9] Of these cases, 69% were categorized as sex trafficking incidents, and 31% involved potential minor victims.[10]

Demand for sex with children (and other forms of commercial sexual exploitation of children) is steady, and profit to sex traffickers, or pimps, has increased.[11] Together, these and other factors have helped fuel sex trafficking of children. Pimps/traffickers prey on vulnerable youth and groom their victims to enter "the life" of being forced to sell sexual services for the profit of others.[12] They manipulate and abuse—physically, mentally, and emotionally—their victims to maintain control. Additionally, technological advances such as cellular telephones and the Internet have facilitated the demand for child sex trafficking. These technologies can rapidly connect buyers of commercial sex with trafficking victims while simultaneously distancing the perpetrator from the criminal transactions.[13] The individuals who purchase sexual services from pimps/traffickers are known as solicitors, purchasers, buyers, or "johns." Solicitors of sex with

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[7] Duren Banks and Tracey Kyckelhahn, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Special Report, Washington, DC, April 2011. (Hereinafter Banks and Kyckelhahn, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*.) Subject to appropriations, the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164 §201) required the Attorney General to use available data to perform a comprehensive analysis of the incidence of sex trafficking and unlawful commercial sex acts within the United States. In response to this requirement, DOJ funded the creation of the HTRS. These are the most recent data available.

[8] Polaris Project, National Human Trafficking Resource Center (NHTRC), *Hotline Statistics 2013*.

[9] Cases defined as *moderate* had "several indicators and red flags of potential trafficking situations, or resemble common types of trafficking or trafficking scenarios but lack certain core details of force, fraud or coercion." Cases defined as *high* had "a high level of critical information" or demonstrated "key indicators relevant to identifying a human trafficking situation." Ibid., p. 5.

[10] Ibid., pp. 6-7.

[11] Meredith Dank et al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*, Research Report, Urban Institute, March 2014 (hereinafter, Meredith Dank et al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*); and U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, Washington DC, August 2010, pp. 32-33. For the purposes of this report, the terms "pimp" and "trafficker" are used interchangeably when referring to the sex trafficking of minors.

[12] Richard J. Estes and Neil Alan Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania, Philadelphia, PA, September 19, 2001 (revised February 20, 2002), p. 16. (Hereinafter, Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*.) Traffickers may be part of a criminal network or ring or they may operate independently. They can be strangers, acquaintances, or family members.

[13] U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction.* See also Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, Arlington, VA, July 2007. (Hereinafter, Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*.) Note: The Shared Hope report was supported by a grant from the Department of State, Office to Monitor and Combat Trafficking in Persons. Shared Hope is a nonprofit advocacy and policy organization founded by former Congresswoman Linda Smith.

children may or may not be aware that the individuals with whom they are engaging in sex are children or trafficking victims.

Commercial sexual exploitation of children appears to be fueled by a variety of individual (e.g., homelessness or history of child abuse), relationship (e.g., family conflict or dysfunction), community (e.g., peer pressure or gang involvement), and societal (e.g., sexualization of children) variables.[14] These factors may interact in ways that can increase the risk of exploitation. Of note, having one or more risk factors does not *necessarily* make a child vulnerable to sex trafficking and other forms of exploitation.[15] Further, certain other factors can also heighten risk of exploitation, including the presence of large numbers of unattached and transient males in communities—including military personnel, truckers, conventioneers, and sex tourists, among others; and the recruitment of children by organized crime units for sex trafficking.[16]

Notably, studies have found that sex trafficking (and commercial sexual exploitation) is supply-driven as well as demand-driven.[17] However, federal legislation has focused more extensively on penalizing the traffickers and has placed less emphasis on the buyers of commercial sex. Experts generally agree that any efforts to reduce the prevalence of sex trafficking—as well as other forms of trafficking—should address not only the supply, but also the demand.[18]

The TVPA, most recently amended and reauthorized as part of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4), has been the primary legislative vehicle authorizing services to victims of trafficking. The TVPA historically focused on providing shelter and support services to victims within the United States—particularly noncitizens.[19] This may have been, in part, because noncitizens were not eligible for those services—including healthcare, housing, education, and legal assistance—to which U.S. citizen and lawful permanent resident (LPR)[20] victims had access.[21] U.S. citizen victims may be eligible for certain crime victim benefits and public benefit entitlement programs, though these services are not tailored to trafficking victims. Further, "there is currently little data to assess the extent to which U.S. citizen trafficking victims are accessing the benefits for which they are eligible."[22]

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[14] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences.

[15] Ibid.

[16] Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, p. 1.

[17] Polaris Project, *Why Trafficking Exists*, http://www.polarisproject.org/human-trafficking/overview/why-trafficking-exists. The Polaris Project is a nonprofit organization that works on human trafficking issues. See also Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States.*

[18] Ibid. See also Iris Yen, "Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand Through Educational Programs and Abolitionist Legislation," *Journal of Criminal Law and Criminology*, vol. 98, no. 2 (Winter 2008); and Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences.

[19] For more information on the history of the TVPA, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen. Services authorized by the TVPA are available to victims of both labor and sex trafficking.

[20] A lawful permanent resident is a foreign national who is authorized to live and work in the United States permanently. The term is synonymous with immigrant. In this report, the term "noncitizen victims" exclude LPRs, and discussions of U.S. citizen victims include LPRs.

[21] H.Rept. 106-487 to accompany H.R. 3244 outlined these services as necessary for the "safe reintegration of domestic trafficking victims into the larger society."

[22] U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*, January 2013, p. 32.

Since its enactment in 2000, the TVPA has been reauthorized four times—in 2003 (P.L. 108-193), 2006 (P.L. 109-164),[23] 2008 (P.L. 110-457), and 2013 (P.L. 113-4). Through reauthorizations in 2006, 2008, and 2013, Congress increased focus on U.S. citizen and LPR victims and authorized services specifically to address sex trafficking of children within the United States. In addition, Congress requested a report, through P.L. 110-457, detailing any differences in services provided to noncitizens and citizens.

In practice, services authorized through the TVPA for trafficking victims, which are provided primarily by the Departments of Justice and Health and Human Services (HHS), continue to aid primarily the noncitizen victim population.[24] This may be a result of several factors. For one, while Congress has expanded authorized funding to include victim services for trafficking victims in the United States—irrespective of immigration status—appropriations for trafficking victims services simultaneously remained relatively stable since the TVPA passed in 2000 through FY2014. In other words, Congress has generally not appropriated additional funds for services that target a broader spectrum of victims that have been subsequently authorized.[25] Further, appropriations have not specified which services should be funded, and program funding has been an administrative decision within DOJ and HHS.[26] Exploring the adequacy of victim services for *all* victims of sex trafficking in the United States may be of interest for Congress if policy makers choose to exercise oversight regarding the implementation of TVPA grant programs.

Another issue Congress may consider is the lack of specialized support for minor victims of sex trafficking in the United States. Organizations in the United States that specialize in serving child victims of prostitution and other forms of sex trafficking collectively have limited housing and supportive services.[27] Other facilities, such as runaway and homeless youth shelters as well as foster care homes, do not appear to be adequate for meeting the needs of victims or keeping them secure from pimps/traffickers and other abusers.[28] Further, victims of trafficking may come to the attention of child protective services (CPS), but CPS may not be able to adequately respond to the needs of sex trafficking victims if workers are not knowledgeable about human trafficking, the trafficking laws, or how to handle cases involving child victims.[29] Child victims may also be

[23] The bill was passed by Congress in 2005, but was not signed into law until 2006. As such, P.L. 109-164 is often referred to as the 2005 reauthorization.

[24] It appears that one program, DOJ Grants for Victim Services, has used funding specifically to serve U.S. citizen and LPR victims. See **Appendix B** for further information about services for noncitizen victims. See also CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen. Other federal programs provide services to certain vulnerable populations such as children who have run away and/or are sexually exploited. These programs, described in **Appendix C**, do not target minor victims of sex trafficking per se but serve a broad population

[25] For funding information, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen.

[26] Reportedly, in 2012, DOJ had a policy change which allows federal funding for victims services to support U.S. citizen trafficking victims as well as foreign national victims. Department of State, *Trafficking in Persons Report*, June 2013, p. 381.

[27] ECPAT USA and Shared Hope International, *National Colloquium: 2012 Final Report: An Inventory and Evaluation of the Current Shelter and Service Response to Domestic Minor Sex Trafficking*, May 2013. (Hereinafter, ECPAT USA and Shared Hope International, *National Colloquium: 2012 Final Report*.)

[28] Heather J. Clawson and Lisa Goldblatt Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, September 2007. (Hereinafter, Clawson and Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*.)

[29] Loyola University Chicago, Center for the Human Rights of Children and the International Organization for Adolescents (IOFA), *Building Child Welfare Response to Child Trafficking*, 2011, http://www.luc.edu/chrc/pdfs/BCWR_Handbook_Final1_for_posting_1.pdf (hereinafter, Loyola University Chicago, Center for the Human Rights of

arrested and placed in juvenile detention facilities because they are perceived to be responsible for prostitution (and other types of commercial sex acts) and/or because they often need protection from sex traffickers.[30]

This report provides an overview of sex trafficking of children in the United States. It first conceptualizes the issue, discussing the victims and perpetrators involved. It then outlines the federal response to investigating and prosecuting perpetrators as well as providing services to victims. The report concludes with a discussion of select issues concerning the federal response to sex trafficking of minors in the United States.

Conceptualizing Sex Trafficking of Children

Federal law does not define sex trafficking per se. However, the term "severe forms of trafficking in persons," as defined in the TVPA, includes sex trafficking. "Severe forms of trafficking in persons" refers to

> (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
>
> (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.[31]

As part of this definition, a "commercial sex act" means "any sex act, on account of which anything of value is given to or received by any person."[32] The commercial aspect of the sexual exploitation separates trafficking from other crimes such as molestation, sexual assault, and rape. There appears to be a consensus among experts that the prostitution of minors fits the definition of "severe forms of human trafficking."[33] In the case of minors, there is general agreement in the United States and much of the international community that the trafficking term applies to children, regardless of whether the child's actions are believed to be forced or voluntary.[34]

Sex Trafficking of Children: Vulnerable Populations

As mentioned, the exact number of children who are victims of sex trafficking does not exist because comprehensive research is lacking. However, several studies have attempted to measure the extent of the problem.[35] Notably, the studies are not comparable, do not measure the same

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Children and the International Organization for Adolescents (IOFA), *Building Child Welfare Response to Child Trafficking*).

[30] Clawson and Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*.

[31] Section 103(8) of Div. A of P.L. 106-386, Victims of Trafficking and Violence Protection Act of 2000; approved October 28, 2000; 22 U.S.C. §7102. The remainder of the definition section relates to labor trafficking.

[32] Examples include money, drugs, shelter, and food. P.L. 106-386, §103(3); 22 U.S.C. §7102. The money or item of value given for the sex act does not need to be received by the child (i.e., can be received by a pimp/trafficker).

[33] Child pornography for profit and stripping also fall under the definition of severe forms of trafficking.

[34] Smith, Vardaman, and Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," p. iv.

[35] The 2012 U.S. Department of State *Trafficking in Persons Report* notes that the FBI has continued to develop "technology to incorporate human trafficking offenses in the annual statistics collected from police forces nationwide" and that these data are on track to be collected and reported starting in 2013. P.L. 109-164 (§201) requires biennial reporting on human trafficking, using available data from state and local authorities. As previously mentioned, in

populations, and do not use consistent terminology.[36] For a discussion of studies that aim to evaluate the scope of the commercial sexual exploitation and prostitution of children, see **Appendix A**.

Runaways are particularly vulnerable to becoming victims of sex trafficking. A federally funded study found that approximately 1.7 million youth had run away from home or were forced to leave their homes at some point in 1999.[37] While away from home, an estimated 38,600 (2.2%) of these youth were sexually assaulted, were in the company of someone known to be sexually abusive, or were engaged in sexual activity in exchange for money, drugs, food, or shelter. Runaways may be perceived as easy targets for pimps/traffickers because they often cannot go home and have few resources. One study involving a nationally representative sample of shelter youth and interviews of street youth in multiple cities indicated that approximately 28% of street youth and 10% of youth in shelters reported selling sex to generate money for basic needs (often referred to as survival sex).[38] Those youth under the age of 18 would be considered victims of sex trafficking if they had sex with an adult in exchange for basic provisions. The study also pointed out that the odds of engaging in survival sex increased for youth who had been victimized (emotionally or physically),[39] had participated in criminal behavior, had a history of substance abuse, had attempted suicide, had a sexually transmitted disease (STD), or had been pregnant.

The Dallas Police Department also found a strong correlation between sex trafficking and runaway status: the more times a child runs away, the greater the likelihood that he or she will be victimized.[40] The department also found that other risk factors among child trafficking victims include their young ages, whether they had previously been sexually exploited, and whether they had previously been victims of prostitution. Other research, including studies examining the histories of prostitutes in Boston, Chicago, and San Francisco, has found that the majority of prostituted women were runaways.[41]

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response to this requirement, DOJ funded the creation of the Human Trafficking Reporting System (HTRS).

[36] Some have argued that the lack of reliable estimates is the result of (1) the hidden nature of the problem, (2) the questionable methodologies of the studies, and (3) the lack of sufficient attention to the issue. Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences. See also, Michelle Stransky and David Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?*, Crimes Against Children Research Center, University of New Hampshire, Durham, NH, 2008. (Hereinafter, Stansky and Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?*)

[37] Heather Hammer, David Finkelhor, and Andrea J. Sedlak, "Runaway/Thrownaway Children: National Estimates and Characteristics," U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, OJJDP NISMART Bulletin, October 2002. These are the most recent survey data available. For purposes of this study, a runaway episode is one that meets any one of the following criteria: a child leaves home without permission and stays away overnight; a child 14 years old or younger (or older and mentally incompetent), who is away from home, chooses not to come home when expected to and stays away overnight; and a child 15 years old or older who is away from home, chooses not to come home, and stays away two nights. Nearly all (99%) of the children returned home, and most (58%) did so within one week.

[38] Jody M. Greene, Susan T. Ennett, and Christopher Ringwalt, "Prevalence and Correlates of Survival Sex Among Runaway and Homeless Youth," *American Journal of Public Health*, vol. 89, no. 9 (September 1999), p. 1406. These youth were ages 12 to 21 and spent at least one night in the previous year in a youth or adult shelter, an improvised shelter, or with a stranger. Youth under age 18 who had spent one night in the past year away from home without the permission of their parents or legal guardians were also sampled.

[39] This includes having been victims of assault or robbery.

[40] Smith, Vardaman, and Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 34.

[41] Heather J. Clawson and Lisa Goldblatt Grace, *Human Trafficking Into and Within the United States: Review of the Literature*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and

According to a study funded by HHS, between 21% and 42% of runaway and homeless youth were victims of sexual abuse before they left their homes.[42] In the general youth population, this prevalence is 1% to 3%. The Letot Center, a juvenile justice facility in Dallas that cares for youth victims, has indicated that about 9 out of 10 youth in the Center had previously been physically or sexually abused. Further, 10% of the youth had previously been involved with child protective services (CPS).[43] In addition to runaway and homeless youth, foster youth may also fall prey to traffickers. According to anecdotal reports, it appears that traffickers target group homes and other settings where foster youth congregate.[44]

Traffickers and Buyers

Victims of sex trafficking are exploited by pimps/traffickers who may operate alone or as part of a criminal network. In the United States, traffickers range from teenage boys, young men, and men and women who work for older male pimps to organized criminal syndicates operating both within and across state and national lines.[45] In a study of the underground commercial sex trade in eight U.S. cities, traffickers cited certain factors that influenced their decision to become involved in the industry, including exposure to sex work by family members, lack of job options, and encouragement from a significant other or acquaintance.[46]

Pimps/traffickers profit by receiving cash or other benefits in exchange for the sexual use of an individual by another person. It is more profitable for a trafficker to prostitute a child than to commit other crimes such as dealing in drugs.[47] For one, the commodity (child) is reusable. In addition, technological innovation has allowed traffickers to reach a wider client base and connect more quickly with buyers. Of note, when referring to the trafficking of *minors*, the terms "pimp" and "trafficker" are synonymous. This does not necessarily hold true when referring to the trafficking of adults. In the context of adults, a pimp who does not use force, fraud, or coercion to induce adults to prostitute themselves would not be considered a trafficker. However, this distinction is moot when the prostituted individuals are minors, with whom a pimp need not use force, fraud, or coercion to be considered a trafficker.[48]

Evaluation, August 2009.

[42] U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Commissioner's Office of Research & Evaluation and the Family and Youth Services Bureau, "Sexual Abuse Among Homeless Adolescents: Prevalence, Correlates, and Sequelae," November 2002, http://www.acf.hhs.gov/programs/opre/fys/sex_abuse/reports/sexabuse_hmless/sex_abuse_hmless.pdf. (Hereinafter, HHS, "Sexual Abuse Among Homeless Adolescents: Prevalence, Correlates, and Sequelae.")

[43] Smith, Vardaman, and Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 35.

[44] Ibid.

[45] See Federal Bureau of Investigation press releases regarding domestic minor sex trafficking cases involving individual perpetrators (e.g., http://www.fbi.gov/minneapolis/press-releases/2013/sioux-falls-man-convicted-in-sex-trafficking-case) and perpetrators acting within criminal organizations (e.g., http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo042010.htm). For more information on organized crime in the United States, see CRS Report R41547, *Organized Crime: An Evolving Challenge for U.S. Law Enforcement*, by Jerome P. Bjelopera and Kristin Finklea. See also Shared Hope International, *DEMAND: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, p. 4.

[46] Meredith Dank et al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*, pp. 282-283.

[47] U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction*, p. 33.

[48] Human Smuggling and Trafficking Center, *Domestic Human Trafficking—An Internal Issue*, December 2008, p. 5, http://www.state.gov/documents/organization/113612.pdf.

There is no single profile of a buyer of commercial sex with a minor, making buyers particularly difficult to identify. In addition, there is little research on the factors associated with the risk of becoming or being a buyer or exploiter.[49] Research has suggested that these predators are often encouraged by online solicitations, temptations, and exploitation.[50] In addition to those actively seeking out sex with minors, some buyers may engage in sex with minors unknowingly. The perpetrators may assume that a prostituted individual is an adult. Alternatively, they may or may not inquire about the age of that individual and may still decide to engage in a sex act even if she or he is a minor.[51]

Current Law

Before 2000, U.S. laws were widely believed to be inadequate for dealing with human trafficking or for protecting and assisting victims. Anti-trafficking legislation and programs have since been implemented with the goal of improving the situation. The Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386) was enacted on October 28, 2000. The TVPA sought to punish traffickers and provide support for victims within U.S. borders.

Congress reauthorized the TVPA in 2003 (P.L. 108-193), in 2006 (P.L. 109-164), in 2008 (P.L. 110-457), and most recently in 2013 (P.L. 113-4). Of note, the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164), signed into law on January 10, 2006, sought to address the special needs of child victims, as well as the plight of American victims trafficked within the United States. The act sought to remedy a perceived inequality between the services available to foreign and domestic victims by creating grant programs specifically to address the needs of U.S. citizen and LPR victims.[52] The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457)[53] created a new grant program for U.S. citizen and LPR victims, and it required a study identifying any gaps between services provided to U.S. citizen and noncitizen victims of trafficking. The most recent TVPA reauthorization (P.L. 113-4) amended one of the TVPA grant programs to authorize the Attorney General and Secretary of HHS to make block grants to four entities throughout the United States for the specific purpose of combatting the sex trafficking of minors.[54] According to the Department of Justice, the TVPA is considered the seminal piece of legislation in the fight against the commercial sexual exploitation of children.[55]

Federal Response to Sex Trafficking of Children

The federal government investigates and prosecutes trafficking crimes and provides services to victims, including those who are sex trafficked. The U.S. government has made strides since the

[49] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 108-115.

[50] Smith, Vardaman, and Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 17.

[51] Ibid.

[52] See U.S. Congress, *Report to Accompany H.R. 972*, 109th Cong., 1st sess., November 18, 2005, H.Rept. 109-317, p. 11.

[53] P.L. 110-457 was signed into law on December 23, 2008.

[54] See Sec. 1241 of P.L. 113-4.

[55] William Adams, Colleen Owens, and Kevonne Small, *Effects of Federal Legislation on the Commercial Sexual Exploitation of Children*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Washington, DC, July 2010, p. 1.

passage of the TVPA in 2000 in identifying and protecting victims, investigating and prosecuting incidents of human trafficking, and training law enforcement and the public to identify instances of trafficking. Nonetheless, the State Department's 2013 *Trafficking in Persons Report* recommends that, among other things, the United States increase funding for victim services; improve interagency coordination; and "increase screening to better identify trafficked persons, including adults and children arrested or detained for criminal offenses frequently associated with human trafficking, youth served through the child welfare system, and runaway and homeless youth being served through programs funded by [HHS]."[56]

As part of the response to punishing traffickers, the Departments of Justice (DOJ) and Homeland Security (DHS) have primary responsibility for investigating and prosecuting trafficking cases. Multiple federal statutes, including those enacted and amended by the TVPA, outlaw sex trafficking of minors and include penalties for individuals who are found guilty. The federal government also funds services for victims of trafficking. The TVPA, as amended, is the major federal legislation that authorizes these services, which are provided primarily by DOJ and HHS. There has been confusion regarding whether U.S. citizen, LPR, and noncitizen victims are equally eligible to receive these services. In practice, these services tend to be targeted to aiding noncitizen victims.[57] A policy change at DOJ in FY2012 allows federal funding for victims services to support U.S. citizen victims of human trafficking as well as noncitizen victims.[58] In addition, it appears that previously in FY2009, the DOJ Grants for Victim Services used funding specifically to serve U.S. citizen and LPR minor victims of sex trafficking.

Table 1 summarizes programs authorized by the TVPA to combat and respond to trafficking of children in the United States. The majority of programs appear to be able to address the trafficking of U.S. citizen, LPR, and noncitizen victims alike. The programs include grants to law enforcement for investigations and prosecutions as well as to social services and other providers of victims' services. Only selected programs, including DOJ Grants for Victim Services and HHS's Victims' Assistance program, have actually been funded. While both of these programs have served noncitizen victims, only the DOJ Grants for Victim Services has used money to serve U.S. citizen and LPR victims.

[56] U.S. Department of State, *Trafficking Persons Report*, June 2013, p. 382.

[57] See **Appendix B** for further information about services for noncitizen victims. See also CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen. Other federal programs provide services to certain vulnerable populations such as children who have run away and/or are sexually exploited. These programs, described in **Appendix C**, do not target youth victims of sex trafficking per se.

[58] Department of State, *Trafficking in Persons Report*, June 2013, p. 381.

Table 1. Programs Authorized by the Trafficking Victims Protection Act, as Amended, That Could Address Sex Trafficking of Children within the United States

Agency, Program, and Authorizing Statute	Description	Authorization of Appropriations, per Title XII of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (unless otherwise noted)	Appropriations for FY2011 (P.L. 112-10)[a]; FY2012 (P.L. 112-55 and P.L. 112-74)[b]; FY2013 (P.L. 113-6)[c]; FY2014 (P.L. 113-76); and FY2015 (P.L. 113-235)[d]	Population Served (Directly or Indirectly)
		Grants for Law Enforcement		
Department of Justice (DOJ): Grants to State and Local Law Enforcement for Anti-trafficking Programs (P.L. 109-164, §204; 42 U.S.C. §14044c)	DOJ may award grants to state and local law enforcement for programs to (1) investigate and prosecute severe forms of trafficking, and related offenses that occur, in whole or in part, within the United States; (2) train law enforcement personnel in identifying victims of severe forms of trafficking; (3) investigate and prosecute those who engage in the purchase of commercial sex and prioritize the investigations and prosecutions of cases involving minor victims; (4) educate those individuals who have been convicted of these and related offenses; and (5) train law enforcement to work specifically with trafficking victims.	$10.0 million for each of FY2014 through FY2017.	FY2011: No funds appropriated FY2012: No funds appropriated FY2013: No funds appropriated FY2014: No funds appropriated FY2015: No funds appropriated[f]	U.S. citizen and LPR victims of trafficking.
DOJ: Grants for Law Enforcement Training Programs (P.L. 109-162 §111; 42 U.S.C. §14044f)	DOJ may award grants to state and local governments to assist law enforcement in identifying and protecting victims of trafficking. Funds may be used to train prosecutors to identify, investigate, or prosecute trafficking as well as	$10.0 million for each of FY2007 through FY2011. Authorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162).	FY2011: No funds appropriated FY2012: No funds appropriated FY2013: No funds appropriated FY2014: No funds appropriated FY2015: No funds appropriated[f]	Victims of trafficking generally.

Agency, Program, and Authorizing Statute	Description	Authorization of Appropriations, per Title XII of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (unless otherwise noted)	Appropriations for FY2011 (P.L. 112-10)[a]; FY2012 (P.L. 112-55 and P.L. 112-74)[b]; FY2013 (P.L. 113-6)[c]; FY2014 (P.L. 113-76); and FY2015 (P.L. 113-235)[d]	Population Served (Directly or Indirectly)
	to utilize and develop laws to prohibit trafficking.			
		Grants for Victim Services		
DOJ: Grants for Victim Services (P.L. 106-386; 22 U.S.C. §7105(b)(2)(A))	DOJ may award grants to states, Indian tribes, local governments, and nonprofit, nongovernmental victims' services organizations to develop, expand, or strengthen service programs for victims of trafficking in the United States.	$11.0 million for each of FY2014 through FY2017.	FY2011: $10.4 million[e] FY2012: $10.5 million FY2013: $12.6 million FY2014: $14.3 million FY2015: $42.3 million[f]	Victims of trafficking generally.
Department of Health and Human Services (HHS) and DOJ: Assistance for U.S. Citizens and Lawful Permanent Residents (P.L. 110-457, §107); 22 U.S.C. §7105(f))	HHS and DOJ (in consultation with the Department of Labor) are to establish a grant program to assist U.S. citizens and LPRs who are victims of severe forms of trafficking. HHS and DOJ are to consult with nongovernmental organizations that provide victims services to determine the assistance that would be most beneficial to victims. The program is to facilitate communication and coordination between assistance providers, provide a means to identify such providers, and provide a means to make referrals to programs for which victims are already eligible. HHS and DOJ may award grants to states, Indian tribes, local governments, and	$8 million for each of FY2014 through FY2017 (appropriation to HHS).	FY2011: No funds appropriated FY2012: No funds appropriated FY2013: No funds appropriated FY2014: No funds appropriated FY2015: No funds appropriated	U.S. citizen and LPR victims of trafficking.

Agency, Program, and Authorizing Statute	Description	Authorization of Appropriations, per Title XII of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (unless otherwise noted)	Appropriations for FY2011 (P.L. 112-10)[a]; FY2012 (P.L. 112-55 and P.L. 112-74)[b]; FY2013 (P.L. 113-6)[c]; FY2014 (P.L. 113-76); and FY2015 (P.L. 113-235)[d]	Population Served (Directly or Indirectly)
	nonprofit, nongovernmental victims' services organizations.			
HHS: Victims' Assistance (P.L. 106-386, §107(b)(1); 22 U.S.C. §7105(b))	HHS is to expand benefits and services to certain victims of severe forms of trafficking in the United States. (The law also directs other federal agencies—Department of Labor, Legal Services Corporation, and the "heads of others Federal agencies"—to expand services; however, Congress has not appropriated funds specifically for this purpose.)	$14.5 million for each of FY2014 through FY2017 (this funding is also available for other activities under 22 U.S.C. §7105(b), including certification and victim assistance to noncitizen victims).	FY2011: $9.8 million FY2012: $9.8 million FY2013: $9.3 million FY2014: $13.8 million FY2015: $15.8 million[g]	Individuals under the age of 18 who are victims of trafficking or noncitizen adult victims who have been certified by HHS as eligible to receive services.

Agency, Program, and Authorizing Statute	Description	Authorization of Appropriations, per Title XII of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (unless otherwise noted)	Appropriations for FY2011 (P.L. 112-10)[a]; FY2012 (P.L. 112-55 and P.L. 112-74)[b]; FY2013 (P.L. 113-6)[c]; FY2014 (P.L. 113-76); and FY2015 (P.L. 113-235)[d]	Population Served (Directly or Indirectly)
DOJ and HHS: Grant Program for Certain Persons Subject to Trafficking (P.L. 109-164, §202; 42 U.S.C. §14044a)[h]	DOJ, in consultation with HHS, may make block grants to four entities located in different regions of the U.S. to combat sex trafficking of children. These entities refer to state or local units of government that have significant criminal activity involving sex trafficking of minors; demonstrated cooperation between federal, state, local, and where applicable, other stakeholders, in addressing sex trafficking of minors; and developed a workable, multi-disciplinary plan to combat sex trafficking of minors. The grants may be used to provide residential care, social services, clothing and other daily necessities, case management, and legal services, among other supports.	$8.0 million for each of FY2014 through FY2017.	FY2011: No funds appropriated under the former grant program. See footnote e for information about the former program. FY2012: No funds appropriated under the former grant program. See footnote e for information about the former program. FY2013: No funds appropriated FY2014: No funds appropriated FY2015: No funds appropriated[f]	U.S. citizen and LPR victims of trafficking.

Agency, Program, and Authorizing Statute	Description	Authorization of Appropriations, per Title XII of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (unless otherwise noted)	Appropriations for FY2011 (P.L. 112-10)[a]; FY2012 (P.L. 112-55 and P.L. 112-74)[b]; FY2013 (P.L. 113-6)[c]; FY2014 (P.L. 113-76); and FY2015 (P.L. 113-235)[d]	Population Served (Directly or Indirectly)
HHS: Pilot Program for Residential Treatment Facilities for Juveniles in the United States (P.L. 109-164, §203; 42 U.S.C. §14044b)	HHS is to establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subject to trafficking. The program is to provide benefits and services to juveniles at facilities (and to assess the benefits and most efficient and cost-effective means of providing these facilities) that provide shelter, psychological counseling, and assistance in developing individual living skills; and to assess the need for and feasibility of establishing additional facilities. HHS is to provide grants to organizations that have relevant expertise in providing services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation or have entered into partnerships with other organizations with this expertise.	$5.0 million for each of FY2008 through FY2011. Authorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162).	FY2011: No funds appropriated FY2012: No funds appropriated FY2013: No funds appropriated FY2014: No funds appropriated FY2015: No funds appropriated	Individuals under the age of 18 who are victims of trafficking.

Source: Congressional Research Service.

Note: It is unclear whether the funds appropriated to HHS and DOJ for the grant programs above could be used to fund other grant programs. For example, the language in the appropriations acts for HHS generally say that the funding "shall be available to carry out the Victims of Trafficking Act of 2000." The language in the appropriations acts for DOJ says that it includes funding "for victims services programs for victims of trafficking" as authorized under the Victims of Trafficking Act of 2000 (P.L. 106-386) and under the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164). Per 42 U.S.C. §7102(9), "severe form of trafficking" refers to sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of

age; or (2) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

a. The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) appropriated funding at the FY2010 level, with an across-the-board rescission of 0.2%.

b. Department of Justice programs and activities were funded under the Consolidated and Further Appropriations Act, 2012 (P.L. 112-55). Department of Health and Human Services programs and activities were funded under the Consolidated Appropriations Act, 2012 (P.L. 112-74). P.L. 112-74 appropriated funding at the FY2011 level, with an across-the-board rescission of 0.189%.

c. The Full-Year Continuing Appropriations Act, 2013 (P.L. 113-6) generally funded discretionary non-security HHS and DOJ programs and activities at their FY2012 levels, minus an across-the-board rescission of 0.2%, as interpreted by the Office of Management and Budget (OMB) per Section 3004 of P.L. 113-6. In addition, discretionary non-security DOJ programs and activities were subject to an across-the-board rescission of 1.877%, per Sec. 3011. On March 1, 2013, under the terms of the Budget Control Act of 2011 (P.L. 112-25), as amended by the American Taxpayer Relief Act of 2012 (P.L. 112-240), President Obama ordered a sequestration. The result is an across-the-board cut of an additional 5% for most DOJ and HHS programs and activities for FY2013. The FY2013 funding levels provided in this table are based on operating plans provided by DOJ and HHS to Congress. The operating plan for the Administration for Children and Families (ACF), which carries out the HHS Victims of Trafficking program, is available online: http://www.acf.hhs.gov/programs/olab/resource/administration-for-children-and-families-all-purpose-table-fy-2012-2013. DOJ's operating plan specifies funding for the Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA), which carries out the DOJ Grants for Victim Assistance program; however, the plan does not specify an amount for that program.

d. The Consolidated and Continuing Appropriations Act, 2015 (P.L. 113-235) notes that of the funds provided to the U.S. Attorneys, "each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking."

e. This amount reflects the 0.2% across-the-board rescission that was applied for FY2010, and an additional reduction that was applied proportionately to each program funded under the account that contains the appropriation for Grants for Victim Services in FY2010. For more on this additional reduction, see CRS Report R41161, *Commerce, Justice, Science, and Related Agencies: FY2011 Appropriations*, coordinated by Nathan James, Oscar R. Gonzales, and Jennifer D. Williams.

f. The FY2015 appropriations act states that for the DOJ state and local law enforcement assistance account, $42.3 million is appropriated "for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4." P.L. 106-386 is the original TVPA, and the other two laws amended the TVPA. Given the additional funding of more $30 million (compared to previous appropriations, all of which were allocated under Grants for Victim Services), it is unclear exactly which programs may be encompassed by this appropriation.

g. This amount is taken from the Explanatory statement accompanying P.L. 113-235. House of Representatives, "Explanatory Statement on Appropriations Regarding the House Amendment to the Senate Amendment on H.R. 83," *Congressional Record*, daily edition, vol. 160, part II (December 11, 2014), p. H9487. Section 4 of H.R. 83 provides that the Explanatory statement, when published in the *Congressional Record*, is to have the same effect as a conference agreement.

h. P.L. 113-4 replaced a grant program under this section that authorized HHS to make grants to states, Indian tribes, local governments, and nonprofit, nongovernmental victims' services organizations for U.S. citizens or LPRs who are the subject of sex trafficking or severe forms of trafficking that occur, in whole, in the United States. HHS is to give priority to applicants with experience in delivering services to victims of sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation.

Investigations of Child Sex Trafficking Offenses[59]

Investigations of human trafficking (including sex trafficking) are often complicated by language barriers and humanitarian issues (e.g., the victim has been traumatized and is unable to aid in the investigation), as well as logistical challenges and difficulties (e.g., transporting, housing, and processing the victims). Moreover, unlike drug trafficking cases where the contraband itself is proof of the illegal activity, the successful prosecution of trafficking in persons cases relies on the availability of witnesses who may refuse to testify for various reasons, including fear of retribution against themselves or their families.[60]

As mentioned, the investigation and prosecution of child prostitution is most often a matter of state law. Every state outlaws the prostitution of children,[61] and human trafficking in terms sufficient to encompass sex trafficking in children.[62] Within the federal government, DHS and DOJ have primary responsibility for investigating (and DOJ is responsible for prosecuting) sex traffickers, including those who traffic children. The majority of the cases are investigated by agents in DHS's Bureau of Immigration and Customs Enforcement (ICE) or DOJ's Federal Bureau of Investigation (FBI), who coordinate as appropriate. In addition, DOJ, through the Child Exploitation and Obscenities Section (CEOS) in the Criminal Division and the Human Trafficking Prosecution Unit (HTPU) in the Civil Rights Division, works with the U.S. Attorneys' Offices to prosecute individuals who violate federal laws relating not only to trafficking, but also to child pornography, child prostitution, obscenity, child sex tourism, and international parental kidnapping. CEOS prosecutes sex traffickers under the TVPA and other laws relating to child sexual exploitation. With specific respect to prosecuting the domestic sex trafficking of minors, perpetrators are often prosecuted for violations of the Mann Act,[63] the Racketeer Influenced and

[59] This section is based on information in the U.S. Department of State, *Trafficking in Persons Report*, June 2013; U.S. Department of Justice, U.S. Department of Health and Human Services, U.S. Department of State, U.S. Department of Labor, U.S. Department of Homeland Security, and U.S. Agency of International Development, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, September 2007; and U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*, January 2013.

[60] U.S. Government Accountability Office (GAO), *Combating Alien Smuggling, Opportunities Exist to Improve the Federal Response*, GAO-05-305, May 2005, p. 10. (Hereinafter cited as GAO, *Combating Alien Smuggling, Opportunities Exist to Improve the Federal Response*.)

[61] U.S. Department of State, *Trafficking in Persons Report*, June 2014.

[62] For example, Ala. Code §13A-6-152 ("(a) A person commits the crime of human trafficking in the first degree if: (1) He or she knowingly subjects another person to ... sexual servitude through use of coercion or deception. (2) He or she knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in sexual servitude.... "); Ala. Code §13A-6-151(7)("Sexual servitude [is] ... any sexual conduct ... for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception form a person.... "); see also, Alaska Stat. §§11-41-360 to 11-41-370; Ariz. Rev. Stat. Ann. §13-1307; Ark. Code Ann. §5-11-108; Cal. Penal Code §§236.1 to 237.

[63] The Mann Act is codified at 18 U.S.C. § 2421 et seq. The Mann Act was enacted in 1910 to fight against forced prostitution. As currently written, the Mann Act makes it a felony to knowingly transport "an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offence." The FBI investigates possible Mann Act violations and refers them to the U.S. Attorneys. CEOS supervises the prosecution of these cases. William Adams, Colleen Owens, and Kevonne Small, *Effects of Federal Legislation on the Commercial Sexual Exploitation of Children*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Washington, DC, July 2010, p. 3.

Corrupt Organization Act (RICO),[64] or the TVPA.[65] Specific statues available to prosecute such crimes include, but are not limited to, the following:

- 18 U.S.C. §1591—Recruiting, enticing, or obtaining (including via force, fraud, or coercion) individuals to engage in commercial sex acts, or benefiting from such activities;
- 18 U.S.C. §2421—Transporting individuals across state or international lines for prostitution or other unlawful sexual activities;
- 18 U.S.C. §2422—Enticing or coercing an individual to cross a state or international line for prostitution or other unlawful sexual activities;
- 18 U.S.C. §2423—Transporting a minor across state or international lines for prostitution or other unlawful sexual activities;
- 18 U.S.C. §2424—Keeping an alien in a house or place of prostitution; and
- 18 U.S.C. §2241(c)—Engaging in interstate travel for sexual activities with a child under age 12, and sexual activities with a child under age 16.

Of these, only 18 U.S.C. §1591 is an anti-trafficking statute created in the TVPA. The provisions created in other federal laws often reference that the crime is prosecutable so long as the victim is brought across states lines; however, under the TVPA, victims do not have to be removed from their communities in order for the crime to be considered eligible for prosecution. Further, the majority of statutes used to prosecute trafficking offenses focus on prosecuting the traffickers, and not as much focus has been placed on prosecuting the clients or "johns." Another difference between the prosecution of traffickers and the prosecution of buyers appears to be that traffickers can be prosecuted whether or not a victim is brought across state lines. On the other hand, federal statutes generally used to prosecute buyers appear to require that either the buyer crosses state lines or that she/he entices the victim to cross state lines. In short, there may be more flexibility and options for federal prosecutors to prosecute traffickers than to prosecute johns.

The following sections discuss efforts by DOJ and DHS to combat trafficking, including prostitution and other forms of child sex trafficking.

Department of Justice (DOJ)

Federal Bureau of Investigation (FBI), Civil Rights Unit and the Violent Crimes Against Children Section (VCACS)

While the Civil Rights Unit (CRU) of the FBI is responsible for overseeing of human trafficking investigations "involving adults (domestic or foreign), foreigners, and any sex trafficking cases involving foreign minor victims[, t]he Violent Crimes Against Children Section (VCACS) is responsible for investigating cases involving the commercial sexual exploitation of domestic minors."[66] These units may coordinate with other FBI components, such as the Organized Crime

[64] RICO is codified at 18 U.S.C. §1961-1968 and is Title IX of the Organized Crime Control Act of 1970 (P.L. 91-452). RICO allows for the prosecution of anyone who participates or conspires to participate in a criminal enterprise/organization through two acts of "racketeering activity" within a 10-year period of time. The predicate offenses for racketeering include various state and federal crimes listed in the U.S. Code. For more information on RICO, CRS Report 96-950, *RICO: A Brief Sketch*, by Charles Doyle.

[65] U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction,* pp. 33-34.

[66] U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government*

and Violent Gang units to investigate these sex trafficking cases. The CRU opened 306 human trafficking cases in FY2012; that same year, the VCACS[67] opened an *additional* 363 cases specifically related to the commercial sexual exploitation of children in prostitution in the United States and had 302 convictions.[68]

The FBI, along with the Child Exploitation and Obscenities Section of DOJ and the National Center for Missing and Exploited Children (NCMEC), participates in the Innocence Lost Initiative, an initiative dedicated specifically to combating sex trafficking of minors within the United States. The FBI has established 66 Innocence Lost task forces and working groups around the country.[69] This has led to the conviction of over 1,300 perpetrators as well as the rescue of 2,700 children.[70]

Operation Cross Country in July 2013 swept 76 cities over three days, resulting in "the recovery of 105 sexually exploited children and the arrests of 150 pimps and other individuals."[71] This was the seventh iteration of this operation, which brings together federal and state law enforcement entities, prosecutors, and social service providers to identify and recover trafficking victims.

The FBI also leads Violent Crimes Against Children Task Forces, which investigate, among other things, sex trafficking of children. In FY2011, there were 26 such task forces, and by FY2013 the number had expanded to 69.[72]

Anti-Trafficking Task Forces

Through the Anti-Human Trafficking Task Force Initiative, DOJ (via the Bureau of Justice Assistance (BJA)) funds nationwide anti-trafficking task forces[73] (at the end of FY2013, BJA was funding 16 such task forces).[74] These task forces are composed of federal, state, and local law enforcement investigators and prosecutors and NGO victims service providers. The task forces coordinate cases and conduct law enforcement training on the identification, investigation, and prosecution of human trafficking cases. Research has reportedly shown that locales with task forces are more likely to identify and prosecute trafficking cases.[75]

Activities to Combat Trafficking in Persons: Fiscal Year 2012, July 2014, p. 41.

[67] Through the Innocence Lost initiative (ILI).

[68] U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2012*, July 2014, p. 41-42.

[69] These data are current as of June 2013. For more information, see http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost. These are the most recent published data.

[70] Ibid.

[71] Federal Bureau of Investigation, *Operation Cross Country: Recovering Victims of Child Sex Trafficking*, July 29, 2013; and U.S. Department of State, *Trafficking in Persons Report*, June 2014, p. 399.

[72] U.S. Department of State, *Trafficking in Persons Report*, June 2014, p. 399.

[73] Since 2004, DOJ has funded a total of 42 anti-trafficking task forces. Those task forces have identified 3,336 persons as potential victims of human trafficking but it is unknown how many are domestic victims of sex trafficking. For more information on the Initiative, see http://www.ojp.usdoj.gov/BJA/grant/httf.html.

[74] U.S. Department of State, *Trafficking in Persons Report*, June 2014, p. 399.

[75] The number of investigations and prosecutions among the task forces varies widely. More investigations are for sex trafficking than labor trafficking, which may be a result of law enforcement's ability to rely upon pre-existing vice units devoted to prosecution enforcement. U.S. Department of State, *Trafficking in Persons Report*, June 2010, p. 340.

ACT Task Forces

The Anti-Trafficking Coordination Team (ACTeam) Initiative was launched in 2011 as an interagency coordination effort between "the Departments of Justice, Homeland Security, and Labor aimed at streamlining federal criminal investigations and prosecutions of human trafficking offenses."[76] Six pilot sites were launched in Atlanta, El Paso, Kansas City, Los Angeles, Memphis, and Miami. DOJ, DHS, and DOL have continued to support these ACTeams.[77]

Internet Crimes Against Children (ICAC) Task Force Program[78]

The Internet Crimes Against Children (ICAC) Task Force program was first funded in 1998 to provide federal support for state and local law enforcement agencies to combat online enticement of children and the proliferation of pornography.[79] The ICAC program has 61 regional task forces, which are comprised of "more than 3,000 federal, state, and local law enforcement and prosecutorial agencies that conduct investigations, forensic examinations, and prosecutions related to online child victimization and pornography."[80]

Since the ICAC program started in 1998, over 338,000 individuals—law enforcement officers, prosecutors, and professionals in the United States and at least 17 other countries—have been trained to investigate and prosecute cases involving Internet crimes against children.[81] ICAC task forces reviewed 8,565 complaints and arrested over 6,900 individuals suspected of involvement in sexually victimizing children in FY2012.[82]

Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (ICE)

The Human Smuggling and Trafficking Unit (HSTU) is the unit within ICE primarily responsible for trafficking investigations (including sex trafficking). It coordinates with other units within ICE—such as the Cyber Crimes Center and the Victim Assistance Program—and with units in other agencies to combat sex trafficking. In FY2012, ICE initiated 894 cases with a nexus to

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[76] Department of Justice, "Attorney General Eric Holder Speaks at the Meeting of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons," March 15, 2012.

[77] U.S. Department of State, *Trafficking in Persons Report*, June 2013, p. 383; and U.S. Department of State, *Trafficking in Persons Report*, June 2014, p. 399.

[78] For more information on the task force program, see CRS Report RL34050, *Missing and Exploited Children: Background, Policies, and Issues*, by Adrienne L. Fernandes-Alcantara.

[79] The program was formally authorized by the PROTECT Our Children Act of 2008 (P.L. 110-401). As outlined in the law, program purpose areas include (1) increasing investigative capabilities of state and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders—including technology-facilitated child exploitation offenses; (2) conducting proactive and reactive Internet crimes against children investigations; (3) providing training and technical assistance to ICAC task forces and other law enforcement agencies for investigations, forensics, prosecutions, community outreach, and capacity building, using recognized experts to assist in the development and delivery of training programs; (4) increasing investigations and prosecutions of Internet crimes against children offenses; and (5) developing and delivering public awareness and prevention programs regarding Internet crimes against children, among other purposes.

[80] U.S. Department of Justice, *FY2015 Performance Budget: Office of Justice Programs*, March 2014, p. 19.

[81] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Internet Crimes Against Children Task Force Program: Program Summary*, http://ojjdp.gov/programs/ProgSummary.asp?pi=3&ti=&si=&kw=&PreviousPage=ProgResults.

[82] U.S. Department of Justice, *FY2015 Performance Budget: Office of Justice Programs*, March 2014, p. 88.

human trafficking,[83] and recorded 967 criminal arrests, 559 indictments, and 381 convictions in these and other trafficking cases initiated in previous years.[84] The data, however, do not distinguish the proportion of arrests for sex trafficking or labor trafficking, nor do they distinguish the proportion of cases involving domestic or international victims. They also do not distinguish the proportion of arrests that were made for violations related to minors or adults.

Human Smuggling and Trafficking Center

In July 2004, the Attorney General and the Secretaries of the Departments of State (DOS) and Homeland Security signed a charter to establish the Human Smuggling and Trafficking Center (HSTC). The Intelligence Reform and Terrorism Protection Act of 2004 (P.L. 108-458, §7202), signed into law on December 17, 2004, formalized the HSTC. The HSTC serves as the federal government's information clearinghouse and intelligence center for all federal agencies addressing human smuggling, human trafficking, and the potential use of smuggling routes by terrorists. It is unclear how much of the HSTC's resources are focused on minor victims of sex trafficking. While the HSTC is the information repository for matters including trafficking, there is no centralized database housing information on trafficking perpetrators, victims, outreach, and other matters—although Congress mandated the creation of such a database in the TVPA reauthorization of 2008.[85] The 2011 *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons* indicated that the HSTC "concluded a project with DHS's Systems Engineering and Development Institute (SEDI) to inventory federal human trafficking data sets and to assess the feasibility of creating a human trafficking database."[86]

Services for Child Victims of Sex Trafficking

The President's Interagency Task Force to Monitor and Combat Trafficking in Persons developed a strategic action plan in 2013 for providing services to victims of human trafficking, both sex and labor trafficking. The five-year plan was informed by a listening session hosted by HHS and held at the White House in December 2012. It lays out four broad goals that are associated with action items to identity and provide services to victims of trafficking:

- increase coordination and collaboration at the federal, regional, state, tribal, and local levels;
- increase awareness of human trafficking among government and community leaders and the general public;
- expand access to services for victims throughout the United States; and
- promote services that improve short- and long-term health, safety, and well-being of victims.[87]

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[83] This represents a 24% increase over the previous fiscal year.

[84] U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2012*, July 2014, pp. 42-43.

[85] U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*, January 2013, p. 20.

[86] Ibid.

[87] President's Interagency Task Force to Monitor and Combat Trafficking in Persons, *Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017, Phase I: Initial Framework*, April 2013. (Hereinafter, President's Interagency Task Force to Monitor and Combat

For example, the action items for the overarching goal of promoting services seek to develop approaches to serving victims that have been rigorously tested. The plan notes that baseline and follow-up data should be collected on service delivery strategies. It also outlines steps that agencies are taking to identify promising practices to respond to trafficking victims.

As referenced in **Table 1**, the TVPA, as amended, authorizes services (primarily through DOJ and HHS) to assist victims of trafficking within the United States. Some of these programs are aimed at child victims of trafficking, particularly sex trafficking.[88] In practice, funds appropriated to HHS for trafficking have been used to carry out the program authorized under 22 U.S.C. §7105(b). Under 22 U.S.C. §7105(b), it appears that HHS may provide assistance to two distinct categories of victims: (1) any victim under the age of 18 and (2) any adult who HHS has certified[89] as a victim—a noncitizen adult victim.[90] The statute does not specify the citizenship of children. In practice, HHS provides services only to noncitizen children. Although noncitizen trafficking victims under the age of 18 do not have to be certified to receive benefits and services, it is HHS policy to issue eligibility letters to such noncitizen victims.

Because adult domestic victims do not go through the process of certification, there is some confusion over whether U.S. citizens are eligible for services provided by HHS and other federal agencies (including, as referenced under 22 U.S.C. §7105(b), the Department of Labor, the Legal Services Corporation, and other federal agencies not including DOJ). Adult U.S. citizen and LPR trafficking victims are not required to be certified by HHS, and indeed would not meet the criteria to be certified because certification applies only to foreign nationals who need an immigration status (e.g., T status or continued presence)[91] to remain in the United States. Nonetheless, a 2007 report by the Senior Policy Operating Group on Trafficking in Persons (SPOG) states, "there are not many differences in trafficking victims' eligibility for the services we reviewed when one looks at the relevant statutes." However, the report does note that U.S. citizen victims may have less intensive case management services compared to noncitizens.[92] In addition, only *noncitizen* trafficking victims are eligible for refugee-specific programs.[93]

Trafficking in Persons, *Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017*.)

[88] These statutes include 22 U.S.C. §7105(b), 22 U.S.C. §7105(f), 42 U.S.C. §14044a, 42 U.S.C. §14044b, 42 U.S.C. §14044c, and 42 U.S.C. §14044f.

[89] For more information on victim certification, see **Appendix B**. Certification of *adult* victims by HHS appears to be a necessary condition of receiving trafficking victims' services from HHS under 22 U.S.C. §7105(b).

[90] 22 U.S.C. §7105(b)(1)(C). The statute specifies that HHS, Department of Labor (DOL), the Legal Services Corporation (LSC), and other federal agencies are to "expand benefits and services to victims of severe forms of trafficking in persons," defined as individuals who are under the age of 18 and adults who are the subject of certification. For further information on services provided by DOL and LSC, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen.

[91] TVPA of 2000 created a new nonimmigrant category, known as T status or T-visa, for aliens who are victims of severe forms of human trafficking. Federal law enforcement officials who encounter victims of severe forms of trafficking and are potential witnesses to that trafficking may request that DHS grant the continued presence of the alien in the United States. Historically, the Attorney General has had the discretionary authority to use a variety of statutory and administrative mechanisms to ensure the alien's continued presence. For more on immigration relief for trafficking victims, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Rosen.

[92] Senior Policy Operating Group on Trafficking in Persons: Subcommittee on Domestic Trafficking, *Final Report and Recommendations*, Washington, DC, August 2007, http://www.acf.hhs.gov/trafficking/SPOGReport-Final9-5-07.pdf.

[93] CRS correspondence with the U.S. Department of Health and Human Services, Administration for Children and Families, Congressional Affairs, April 2, 2007.

For services authorized under 22 U.S.C. §7105(b)(2), DOJ can use funds to provide services to "victims of trafficking," which appears to include both citizens and noncitizens as well as both adults and minors. Of the money it has received to combat trafficking in persons prior to FY2015, DOJ had targeted funds toward the Grants for Victim Services.[94] Until FY2010, these grants had exclusively been used to provide emergency services to victims as soon as they have been identified, prior to certification by HHS (for more information, see **Appendix B**), but since then some funds have been used for victims post-certification. In addition, in FY2012 DOJ changed its policy so that federal funding for victims services could support U.S. citizen victims as well as foreign national victims.[95]

Nonetheless, under the umbrella of this program, DOJ had previously used some funding to serve domestic minor victims of sex trafficking through a program called Services for Domestic Minor Victims of Human Trafficking.[96] In FY2009, DOJ's Office for Victims of Crime awarded cooperative agreements, each for $800,000, for a period of three years to three organizations that work with domestic minor victims of sex trafficking.[97] Three additional organizations have received DOJ support through other programs for these same purposes.[98] The purposes of the grant are to (1) provide a comprehensive array of timely and high-quality services, including intensive case management and shelter, to victims of sex and labor trafficking who are U.S. citizens or LPRs under the age of 18; (2) develop, enhance, or expand the community response to domestic minor victims of all forms of human trafficking; and (3) produce a final report about the implementation of the project so that OVC may disseminate lessons to the trafficking victims' services field.[99]

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[94] Given the increase in the amount appropriated to DOJ and the new appropriations language regarding anti-trafficking funding, it is unknown how the appropriated money will be allocated between DOJ anti-trafficking grant programs in FY2015. See **Table 1**.

[95] U.S. Department of State, *Trafficking In Persons Report: FY2012*, June 2013; p. 381. The funding for this grant program was distributed in five different program areas, only one of which is limited to foreign national victims. U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*, January 2013, p. 45.

[96] The grant is authorized under 22 U.S.C. §7105(b)(2)(A), pertaining to grants made by the Attorney General to develop, expand, or strengthen victim service programs for victims of trafficking in the United States.

[97] The three organizations were Safe Horizon, a youth-service provider for runaway and homeless youth and other vulnerable youth in New York; Salvation Army in Chicago, which seeks to combat sex trafficking of children; and Standing Against Global Exploitation (SAGE), a provider of services to minor and adult victims of commercial sexual exploitation in San Francisco. As part of their grant applications, the grantees demonstrated how comprehensive services will be provided to both male and female victims of sex and labor trafficking, and documented how the grantees will work collaboratively with juvenile justice system professionals, child welfare service providers, and other youth-serving organizations to ensure that a comprehensive array of services are provided to victims. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, "Announcing the Awardees from OVC's Services for Domestic Minor Victims," press release, 2009; and U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *OVC FY09 Services for Domestic Minor Victims of Human Trafficking Funding Announcement*, 2009.

[98] These other organizations are Girls Educational and Mentoring Services, Inc. (GEMS) and the Seattle Police Department/Prostituted Youth Advocacy Project. See U.S. Department of Justice, Office for Victims of Crime, *Grants & Funding: OVC-Funded Grantee Programs To Help Victims of Trafficking*, http://www.ojp.usdoj.gov/ovc/grants/traffickingmatrix.html.

[99] Between January 1, 2010, and June 30, 2010, these projects served 45 youths (both male and female) identified as victims or potential victims of human trafficking and trained 2,623 service professionals. Referrals for services came from law enforcement and community-based organizations. The majority of youth identified were victims of sex trafficking; however, the sites continue to work in their communities to raise awareness about the possibility of labor trafficking of youth who are U.S. citizens or LPRs. U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2010*, p. 43.

While other HHS and DOJ programs authorized under TVPA (and referenced in **Table 1** could provide services to minor victims of sex trafficking, it does not appear that these programs received funding prior to FY2015.[100] For instance, the act directs the Secretary of HHS to carry out a grant program for states, tribal governments, local governments, and nonprofit nongovernmental victims' service organizations to establish, develop, expand, and strengthen assistance programs for U.S. citizens or LPRs who are the subject of sex trafficking or severe forms of trafficking in persons that occur, in whole or in part, within the United States.[101] The act further directs the Secretary of HHS to establish a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking within the United States.[102] The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457) reauthorized the two programs through FY2011.[103] In addition, the act also created a new grant program to be administered jointly by the Secretary of HHS and the Attorney General to provide services to U.S. citizen victims of severe forms of trafficking.[104] These programs, however, have not received appropriations.

In addition, the most recent TVPA reauthorization created a new grant program authorizing the Assistant Attorney General for DOJ's Office of Justice Programs to award one-year grants to six grantees to combat sex trafficking of children in the United States.[105] While this program was not funded in FY2014, it appears to have received an appropriation for FY2015.[106]

In the Violence Against Women Act Reauthorization Act of 2013 (P.L. 113-4), Congress amended several grant programs to add to their allowable activities serving victims of trafficking. For instance, a newly consolidated program that includes three grant programs—Creating Hope Through Outreach, Options, Services, and Education for Children and Youth (Choose Children and Youth) Grant Program; the Grants to Indian Tribal Governments Program; and the Grants to

[100] Given the increase in the amount appropriated to DOJ and the new appropriations language regarding anti-trafficking funding, it is unknown how the appropriated money will be allocated between DOJ anti-trafficking grant programs in FY2015. See **Table 1**.

[101] §202, 42 U.S.C. §14044a. In authorizing this program, Congress emphasized the importance of serving U.S. citizen and LPR victims: "The Committee notes that, as a result of the TVPA, foreign victims of severe forms of trafficking in the United States are legally required to be treated as victims, rather than as criminals. The same should be true for American citizens. Nonetheless, a nongovernmental organization which advocates for exploited children, ECPAT-USA, issued a 2005 report (*Who Is There to Help Us? How the System Fails Sexually Exploited Girls in the United States*), which concluded, in relevant part, that 'the implementation of the TVPA to date, both in terms of services and prosecutions, has assisted girls from abroad while ignoring girls in similar situations from the U.S.'" Ibid., p. 24.

[102] §203, 42 U.S.C. §14044b. In authorizing this program, Congress emphasized the importance of serving U.S. citizen and LPR victims: "The Committee has learned from both governmental and nongovernmental sources who work with trafficked children in the United States that a lack of housing options for such children is a debilitating impediment to providing effective rehabilitative and restorative help to escape commercial sexual exploitation. This section [of the law] responds to that need."

[103] The authorization levels for each year, FY2008 through FY2011, were $8 million for HHS grants for victims' services for U.S. citizens and LPRs, $5 million for the residential treatment pilot program, and $20 million to DOJ grants for law enforcement.

[104] P.L. 110-457, §213, 22 U.S.C. §7105(f).

[105] Of the grant amounts, at least 67% must be allocated to nongovernmental organizations (NGOs) to provide counseling, legal services, shelter, clothing, and other social services to victims, while not less than 10% has to be allocated to provide services to victims or training for service providers on sex trafficking of children. Funds can also be used for training for law enforcement; investigative and prosecution expenses; case management; salaries for law enforcement officers and state and local prosecutors; and outreach, education, and treatment programs. The program is authorized at $8 million a year for FY2014 through FY2017. P.L. 113-4, §1241(a).

[106] Given the increase in the amount appropriated to DOJ and the new appropriations language regarding anti-trafficking funding, it appears that this grant program received an appropriation, but uncertainty remains. See **Table 1**.

Indian Tribal Coalitions Program—all may be employed to serve victims of sex trafficking.[107] A discussion of programs, outside of the TVPA, that may provide assistance to minor victims of sex trafficking (but are not directed to do so in authorizing statute or elsewhere) in the United States is included in **Appendix C**.

In addition, other federal programs may be available to child trafficking victims who are citizens, such as the Supplemental Nutrition Assistance Program (SNAP), selected programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA), and Job Corps.[108] Nonetheless, little is known about the extent to which these services and benefits are accessed by child victims/survivors of sex trafficking, and whether victims and service providers are aware of such programs.[109]

Selected Issues

Funding and Authority to Assist U.S. Citizen and LPR Victims of Trafficking

One overriding issue concerning minor victims of sex trafficking is the extent to which federal agencies can and do provide services to U.S. citizen and lawful permanent resident (LPR) trafficking victims. Originally, the Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386) primarily targeted services toward noncitizen victims because they were not eligible for existing federal human service programs for which U.S. citizen and LPR victims may have been eligible.[110] As mentioned, U.S. citizen victims are eligible for certain crime victim benefits and public benefit entitlement programs, though these services are not tailored to trafficking victims. Further, the extent to which U.S. citizen victims rely upon these services is unknown.

There has been disagreement over whether the services and programs authorized by the TVPA are available to all victims, regardless of citizenship status. A 2010 U.S. Department of Justice (DOJ) report noted that U.S. citizen and foreign national victims of trafficking are treated differently when they are identified, characterized, and offered services.[111] In addition, service providers and advocates report that federal legislation on commercial sexual exploitation often focuses on foreign victims; as a result, providers often have difficultly securing social services for U.S. citizen victims.[112] Contributing to this concern may be the limited response provided by agencies

[107] For a discussion of these and other grant programs authorized by P.L. 113-4, see CRS Report R42499, *The Violence Against Women Act: Overview, Legislation, and Federal Funding*, by Lisa N. Sacco.

[108] U.S. Department of Health and Human Services, *Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers*, September 18, 2012.

[109] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 241-242.

[110] U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*, January 2013; p. 32.

[111] William Adams, Colleen Owens, and Kevonne Small, *Effects of Federal Legislation on the Commercial Sexual Exploitation of Children*, Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Washington, DC, July 2010, p. 4. This information comes from DOJ meetings with commercial child sexual exploitation service providers.

[112] Ibid., p. 7.

such as child protective services (CPS) that many may assume would be able to serve these U.S. victims—discussed in detail below.

In response to perceived inequities between services provided to U.S. citizen and noncitizen trafficking victims,[113] the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164) enacted policies to assist U.S. citizen and LPR victims.[114] In the conference report to accompany the law, Congress highlighted concerns with the commercial sexual exploitation of U.S. and LPR children in particular:

> The United States not only faces an influx of international victims of sex and labor trafficking, but also has a problem of internal trafficking (also referred to as domestic trafficking), particularly of minors, for the purpose of commercial sexual exploitation. In consultation with the committees of jurisdiction over domestic programs, the Committee amended Title II of the bill, which addresses trafficking in persons that occurs within the borders of the United States and victimizes United States citizens or permanent residents…. Among youth living on the streets in the United States, involvement in commercial sex activity is a problem of epidemic proportion…. The Committee is concerned about U.S. persons who become subjects of trafficking for commercial sexual exploitation and encourages the law enforcement community at the State and local levels to focus efforts on prosecuting individuals who exploit others through prostitution and trafficking. New strategies and attention are needed to prevent the victimization of U.S. persons through domestic trafficking.[115]

As mentioned, P.L. 109-164 authorized two programs specifically to provide services to minor victims, one of which targeted U.S. citizen and LPR trafficking victims. Despite explicit language in the TVPA, as amended, regarding assistance to U.S. citizen and LPR victims, appropriations language has been unclear as to whether funds are available for this purpose. Each year since FY2008, Congress has appropriated money to DOJ for programs for victims of trafficking and to HHS to "carry out the Trafficking Victims Protection Act of 2000." DOJ funds have been used by the Office for Victims of Crime (OVC) to provide services to noncitizens[116] and, beginning in FY2009, to carry out the Services for Domestic Minor Victims of Human Trafficking program.[117] Funds have also been used to support the Anti-Human Trafficking and ACT Task Forces. HHS funds have been used by the Office of Refugee Resettlement (ORR) to provide certification and victim services and to carry out a public awareness campaign about trafficking.[118] ORR has said

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[113] See, for example, Sarah Ann Friedman, *Who Is There to Help Us? How the System Fails Sexually Exploited Girls in the United States*, ECPAT-USA, 2005, http://ecpatusa.org/wp-content/uploads/2010/11/Who-Is-There-to-Help-Us.pdf.

[114] The law also sought to encourage prosecutions of trafficking of U.S. citizens and LPRs. P.L. 109-164 directs the Attorney General (as described in Table 2) to make grants to state and local law enforcement agencies to establish, develop, expand, or strengthen programs to investigate and prosecute acts of severe forms of trafficking in persons that involve United States citizens, or LPRs, and that occur in the United States, including investigating and prosecuting persons who engage in the purchase of commercial sex acts. §204, 22 U.S.C. §7105(f).

[115] U.S. Congress, House Committee on International Relations, *Trafficking Victims Protection Act Reauthorization of 2005*, committee print, 105th Cong., November 18, 2005, H.Rept. 109-317, p. 23.

[116] Prior to FY2012, these funds could only be used for victims' service prior to the time the noncitizen victim was certified. Currently funds can be used for victims pre- and post- certification.

[117] P.L. 112-10, P.L. 111-117, P.L. 111-8, P.L. 110-161. See **Appendix B** for further information about the pre-certification services.

[118] See **Appendix B** for further information. ORR also provides services for victims of torture, certain U.S. citizens seeking to repatriate to the U, unaccompanied alien children, and unaccompanied refugee minors. For further information on the programs pertaining to children, see CRS Report RL33896, *Unaccompanied Alien Children: Policies and Issues* (available to congressional clients upon request); and CRS Report RL34414, *Unaccompanied Refugee Minors*.

that services are not provided for U.S. citizens and LPRs because it believes that Congress has not provided funding specifically for this purpose. Indeed, HHS funding to combat trafficking remained stable between FY2002 and FY2013 at approximately $10 million; appropriated funding did not increase after Congress authorized additional programs for minor victims of sex trafficking, including U.S. citizens and LPRs. In FY2014, Congress increased appropriations (to almost $14 million) for HHS to combat trafficking. Even with this increase, Congress directed HHS to "dedicate a significant amount of the increase for the Victims of Trafficking program to improve services for *foreign national trafficking victims* [emphasis added]."[119] For FY2015, the FY2015 Conference report provides $15.7 million to HHS to combat trafficking.[120]

Further, the *FY2010 Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons* states, "the funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not be used to assist U.S. citizen victims."[121] However, it appears likely that the funding may be available for benefits and programs for U.S. citizens and LPRs, given that the TVPA authorizes services for these victims. In fact, DOJ began funding a three-year grant in FY2009, Services for Domestic Minor Victims of Human Trafficking,[122] for U.S. citizen and LPR victims.[123] According to DOJ, this grant is authorized under 22 U.S.C. §7105(b)(2)(A), which was included in the TVPA as enacted in 2000. The authorizing language of this grant program does not appear to differentiate between U.S. citizen and noncitizen victims:

> IN GENERAL.—Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.[124]

Authorized funding for this grant appears to be inconsistent with the statement in the FY2008 Attorney General's report that the funds appropriated under the TVPA can only be used for noncitizen victims. Likewise, in FY2012 a policy change at DOJ allowed federal funding for victim services to support U.S. citizen trafficking victims as well as noncitizen victims.[125] Due to the apparent confusion over the authority and funding available to provide services to U.S. citizen trafficking victims, Congress may choose to clarify the authorities to provide services to these victims under the TVPA.

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[119] U.S. Congress, House Committee on Appropriations, *Explanatory Statement Submitted by Mr. Rogers of Kentucky, Chairman of the House Committee on Appropriations Regarding the House Amendment to the Senate Amendment on H.R. 3547 Consolidated Appropriations Act, 2014*, 113th Cong., 2nd sess., p. 58.

[120] Representative Rogers, Explanatory Statement Regarding the House Amendment to the Senate Amendment on H.R. 83, *Congressional Record*, daily edition, December 11, 2014, p. H.

[121] U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2010*, p. 28.

[122] DOJ also funded two projects for case management assistance to children found in prostitution, and one training and technical assistance project targeted at 10 youth service organizations assisting children found in prostitution. It is unclear if funding for these grant programs came from appropriations for the TVPA. U.S. Department of State, *Trafficking in Persons Report*, June 2010.

[123] The grant is authorized under §22 U.S.C. 7105(b)(2)(A), which pertains to grants made by the Attorney General to develop, expand, or strengthen victim service programs for victims of trafficking in the United States. It is a program that was in the TVPA as enacted in 2000. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, "Announcing the Awardees from OVC's Services for Domestic Minor Victims," press release, 2009.

[124] 22 U.S.C §7105(b)(2)(A).

[125] U.S. Department of State, *Trafficking in Persons Report*, June 2013; p. 381.

Resources for Trafficking Victims' Services

A corollary issue is the overall breadth of funding for victims' services. It has been estimated that there are approximately 14,000 noncitizens trafficked into the United States each year.[126] And this estimate does not include U.S. citizen and LPR victims. In addition, it is estimated that the number of child victims of sex trafficking in the United States could be in the hundreds of thousands. As the focus on sex trafficking has broadened to include victims of child prostitution, funding has increasingly become an issue. In FY2015, Congress appropriated to HHS and DOJ approximately $58 million for services to trafficking victims, a significant increase, mostly for DOJ, from previous years. For information on current authorizations and appropriations for trafficking victims' services through HHS and DOJ, see **Table 1**.

This raises several questions. For one, are the resources for trafficking victims, both citizen and noncitizens, adequate? The State Department's 2013 Trafficking in Persons Report recommends that the U.S. government "increase funding for relevant agencies to provide victim services both domestically and internationally," among other things, to more effectively combat trafficking in persons.[127] If funds were allocated based on estimated citizen populations and noncitizen populations, would certain victims have more difficulty obtaining services? To what extent are the needs of U.S. citizen and noncitizen victims similar and to what extent do they differ? As mentioned, U.S. citizens and LPRs are more likely to be victims of sex trafficking and noncitizens are more likely to be victims of labor trafficking. As such, should funding for victims of trafficking generally be targeted to serve specific populations based on immigration status, or should it be targeted to providing specialized services for victims of a particular form of trafficking (sex or labor trafficking) without regard to immigration status?

Availability and Effectiveness of Services and Shelters

The social services field provides services to child victims of sex trafficking through a variety of strategies. Such strategies include (1) direct care and support services for victims and survivors; (2) short- and long-term shelter; (3) curriculum development and education for children and youth at risk for sex trafficking, victims, survivors, and victim service providers; (4) programs designed to prevent sex trafficking of minors; and (5) hotlines operated to assist victims of trafficking and provide them and others with referrals, among other types of supports. Services are often provided by nongovernmental service providers, sometimes with support from the federal government, state governments, and philanthropic entities.[128]

Nonetheless, services and shelter for victims/survivors are available on a limited basis. As background for a 2012 colloquium on supports for child victims and survivors of sex trafficking, a working group surveyed organizations that provide residential and other services to victims.[129]

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[126] U.S. Department of Justice, U.S. Department of Health and Human Services, U.S. Department of State, U.S. Department of Labor, U.S. Department of Homeland Security, and U.S. Agency of International Development, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, June 2004, p. 4. This is the most recent estimate of noncitizens trafficked into the United States.

[127] U.S. Department of State, *Trafficking in Persons Report FY2012*, June 2013.

[128] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 235-270.

[129] The working group was led by Shared Hope International, ECPAT-USA, and The Protection Project at Johns Hopkins University School of Advanced International Studies. Shared Hope International and ECPAT-USA are nonprofit organizations that advocate for victims of trafficking. The Protection Project is an institute that promotes human rights. The survey was conducted in partnership with Children At-Risk, a nonprofit organization that advocates

Of the 51 organizations that responded to the survey, most (78%) said they provided community-based care or case management; 19% reported providing foster care support; and 47% responded that they provide residential care. They collectively reported having the capacity to provide services for 1,684 child victims and shelter services for 226 child victims.[130] Given that the number of child victims is believed to be much higher, the shelter and services that are available may only reach a fraction of children needing supports.

Moreover, little is known about the efficacy of these services. According to the National Academy of Sciences' report on child sexual exploitation and sex trafficking in the United States, "very few evaluations of specific victim and support services have been conducted, and there are few published reports and even fewer peer-reviewed studies on these services. As a result, victim and support service professionals and programs lack a critically reviewed evidence base for practice."[131] Still, some interventions for victims show promise. LIFESKILLS is a program in San Francisco for victims and survivors at-risk of sex trafficking and commercial sexual exploitation, as well as those at risk for exploitation. An independent evaluation of the program found that participants had reduced contact with the criminal justice system, and reported significantly better outcomes for sexual assault victimization; however, the program made no significant impact on substance abuse, commitment to school, most measures of victimization, and social support.[132]

Despite the paucity of services and information about their effectiveness, recent efforts have been made to identify best practices for serving child victims of trafficking. A 2012 colloquium of social service providers and advocates made recommendations on providing such supports to child victims. Some of their recommendations include that providers should assess the individual needs of victims and place them into the most suitable emergency or long-term services; facilitate communication among service providers; and work to ensure diverse placement options are needed to prevent barriers to placement. In addition, the framework seeks to ensure that victims have tailored treatment plans; residential facilities should be staffed with or have regular access to medical and case professionals who can effectively assist victims through trauma-informed care; and treatment plans are designed to help lead survivors toward independence.

Separately, as part of HHS's work on sex trafficking of minors within the United States, researchers identified—based on discussions with shelter providers, law enforcement officials, case workers, and directors and staff of four residential facilities that serve minor victims of domestic sex trafficking—promising elements for residential facilities for victims:

- Residential facilities should be designed to serve homogenous populations of trafficking victims. Victims may benefit from smaller, more intimate settings so they can develop relationships more easily with staff and other victims.
- Facilities must be secure in order to establish physical and emotional safety, and should include an undisclosed location, security cameras and alarm systems, 24-

for children. See, *National Colloquium: 2012 Final Report*, pp. 85-93. Twenty percent of organizations providing shelter reported providing such shelter for seven days or less.

[130] Ibid, p. 93.

[131] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, p. 253.

[132] Marcia I. Cohen, Mark C. Edberg, and Stephen V. Gies, *Final Report of the Evaluation of the SAGE Project's LIFESKILLS and GRACE Programs,* May 2011, Development Services Group, Inc., prepared for the U.S. Department of Justice, National Institute of Justice, Office of Research and Evaluation.

hour staffing and presence of security guards, unannounced room searchers and drug screens, and limited phone use.

- Services must be available to trafficking victims, including basic needs such as clothing, food, and shelter; intensive case management; mental health counseling and treatment; medical screenings and routine care; life skills and job training programs; youth development programming; educational programming; and services to assist youth in reunifying with their families or other appropriate support persons, as appropriate.[133]

Response by the Child Welfare System

State and local child welfare agencies are responsible for carrying out child welfare policies that are intended to promote the safety, well-being, and permanency of all children.[134] Child victims of sex trafficking may come to the attention of child welfare services if they are reported to the agency's child protective services (CPS) hotline. In addition, children in foster care may be vulnerable to becoming trafficked.

The capacity for state and local child welfare agencies to respond to the needs of sex trafficking victims is believed to be limited. This may be due, in part, to inadequate training, insufficient resources, high caseloads, and the perception that victims should be handled in the juvenile justice system.[135] A study commissioned by HHS found that child welfare group homes and other foster care settings do not appear to be able to adequately meet the needs of youth or keep them from traffickers and other abusers.[136] In addition, these settings are often not equipped to provide intensive services for victims or recognize the trauma they have experienced.[137] Other research, which examined the role of CPS workers in a small number of cities, found that these workers were not familiar with human trafficking terms and laws or how to handle cases involving trafficking of children.[138]

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[133] Heather J. Clawson et al., *Study of HHS Programs Serving Human Trafficking Victims*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, December 2009, p. iv. (Hereinafter, Clawson and Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*.) At the time of the study in 2007, the researchers identified only four facilities specific to the population across the country: Girls Educational and Mentoring Services (GEMS) Transition to Independent Living (TIL) program in New York; Standing Against Global Exploitation (SAGE) Safe House in San Francisco; Children of the Night in Los Angeles County; and Angela's House in a rural community outside Atlanta.

[134] For further information, see CRS Report RL31242, *Child Welfare: Federal Program Requirements for States*, by Emilie Stoltzfus.

[135] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 186, 237-241.

[136] Clawson and Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*, pp. 2-4, 9.

[137] The research literature indicates that experience of trafficking follows from, and contributes to, a history of trauma. In guidance to states and service providers, HHS explained that victims of trafficking need appropriate care, including the use of trauma-informed, culturally appropriate, and individualized care. See, U.S. Department of Health and Human Services, Administration for Children, Youth, and Families, *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States.*

[138] Smith, Vardaman, and Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children; " Loyola University Chicago, Center for the Human Rights of Children and the International Organization for Adolescents (IOFA), *Building Child Welfare Response to Child Trafficking*, 2011 (hereinafter, Loyola University Chicago, Center for the Human Rights of Children and the International Organization for Adolescents (IOFA),

Reports of abuse and neglect can be screened in and referred for investigation by CPS only if they concern actions that meet the state statutory definition of abuse and neglect. States that receive state grant funds under the Child Abuse Prevention and Treatment Act (CAPTA) must define "child abuse and neglect" to be consistent with this federal definition of abuse and neglect under CAPTA: "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm."[139] The law also expands on the term "sexual abuse," which refers to "the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other forms of sexual exploitation of children, or incest with children."[140] The law does not, however, define "parent" or "caretaker."

While some states refer to sexual abuse in general terms, others refer to more specific types of abuse, including sexual exploitation.[141] Forms of sexual exploitation include the production of child pornography or allowing a child to engage in prostitution. Several states also define persons who can be reported to CPS as perpetrators. These are individuals who have a relationship with or regular responsibility for the child and generally include parents, guardians, foster parents, relatives, or other caregivers responsible for the child's welfare. It appears that in some cases, this could mean an adult over the age of 18 who is living with the child, but it is unclear whether a pimp/trafficker could be included in this definition.

As enacted in October 2014, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) requires state child welfare agencies to respond to concerns about sex trafficking of children in foster care,[142] including responding to those who run away from that care and those who otherwise come into contact with the child welfare agency.[143] Specifically, P.L. 113-183 amends the federal foster care program (authorized in Title IV-E of the Social Security Act) to require state child welfare agencies to develop and implement procedures to identify, document in agency records, and determine appropriate services for certain children or youth who are victims of sex trafficking, or at risk of being such victims. The procedures need to ensure relevant training for caseworkers and must be developed in consultation with state and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk children and youth. P.L. 113-183 provides

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Building Child Welfare Response to Child Trafficking).

[139] Section 111(2) of CAPTA, 42 U.S.C. §65101 et seq.

[140] Section 111(4) of CAPTA, 42 U.S.C. §5106g. All states receive CAPTA state grants. For further information about CAPTA, see CRS Report R40899, *The Child Abuse Prevention and Treatment Act (CAPTA): Background, Programs, and Funding*, by Emilie Stoltzfus.

[141] For further information about state definitions of abuse and neglect and procedures for screening abuse and neglect, see Child Welfare Information Gateway, *Definitions of Child Abuse and Neglect: Summary of State Laws* (current through July 2009), http://www.childwelfare.gov/systemwide/laws_policies/statutes/define.pdf; and Child Welfare Information Gateway, *Making and Screening Reports of Child Abuse and Neglect: Summary of State Laws* (current through January 2009, http://www.childwelfare.gov/systemwide/laws_policies/statutes/repproc.pdf.

[142] P.L. 113-183 draws from Section 103 of the Trafficking Victims Protection Act (TVPA) to define a "sex trafficking victim" as an individual subject to the "recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act" or who is a victim of a "severe form of trafficking in persons" in which "a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age."

[143] For further information, see CRS Report R43757, *Child Welfare and Child Support: The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)*, by Emilie Stoltzfus, Adrienne L. Fernandes-Alcantara, and Carmen Solomon-Fears.

that these procedures are to be developed within one year of the bill's enactment and implemented within two years of that date.

The law further requires state child welfare agencies to report to law enforcement authorities immediately, or in no case later than 24 hours, after they receive information about child or youth victims of sex trafficking. This reporting provision is effective beginning no later than two years after the bill's enactment. Additionally, within three years of the law's enactment, state child welfare agencies are required to annually report to HHS the total number of children and youth who are sex trafficking victims.

The procedures to identify, document in agency records, and determine services for victims of, or those at risk of, sex trafficking must apply to all children in the care, placement, or supervision of the state child welfare agency, including

- children who are in foster care and under age 18 (or up to any age under 21, if the state has elected to serve such older youth with Title IV-E foster care assistance);
- children (under age 18) who are not in foster care but for whom the agency has an open case file;
- current and former foster youth (up to age 21, or 23 in limited circumstances) who are receiving services under the Chafee Foster Care Independence Program (CFCIP); and
- children who run away from foster care, provided they have not reached the age at which the state ends Title IV-E assistance (or have not been formally discharged from care).

In addition, a state may elect to use these procedures to identify individuals up to the age of 26 who are victims, or at risk of becoming victims, of sex trafficking, without regard to whether the youth was ever in foster care.

Despite challenges with involving CPS in these types of cases, some states have recently taken steps to track commercial sexual exploitation and/or prostitution cases under the broader category of sexual abuse.[144] Some have also begun to provide specialized foster care services for victims of sex trafficking. The Connecticut Department of Children and Families screens in children who are victims of sex trafficking (regardless if the offender is a relative), and a Trafficking Clinical team of licensed clinicians assesses victims within 72 hours.[145] Florida and Illinois also screen in child victims of sex trafficking.[146]

One policy response could be to encourage or require state child welfare agencies to screen in reports of commercial sex trafficking, including child prostitution, as a form of sexual abuse, regardless of whether this abuse is perpetrated or facilitated by a parent or guardian.[147] This

[144] U.S. Department of Health and Human Services, Administration for Children and Families, Emerging Practices Within Child Welfare Responses," May 2013; Smith, Vardaman, and Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children,* pp. 72-73; and U.S. House of Representatives, Congressional Foster Youth Caucus and Victims' Rights Caucus, "Strengthening the Child Welfare Response to Human Trafficking," briefing, July 18, 2012.

[145] U.S. Congress, Senate Committee on Finance, *Sex Trafficking and Exploitation in America: Child Welfare's Role in Prevention and Intervention*, 113th Cong., 1st sess., June 11, 2013.

[146] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 238-239.

[147] For information about related legislation, see *Legislation Pending in the 113th Congress That Addresses the Child Welfare Response to Sex Trafficking of Children,* by Adrienne Fernandes-Alcantara. Available to congressional staff upon request.

would expand on the requirements under P.L. 113-183 that compel states to respond to cases involving children but do not necessarily specify that they be screened in for services (and possible placement in foster care). Such changes could be made through amendments to federal child welfare programs (under Titles IV-B and IV-E of the Social Security Act or CAPTA), which provide funding for state child welfare programs.

Regardless of whether the federal government provides additional funding to child welfare agencies to develop policies and possibly serve more children (including those who were not necessarily involved in the child welfare system), states may have difficulties in placing children in specialized foster or group homes, given that few facilities exist for victims generally. A separate consideration is the extent to which the child welfare system should be tasked with leading the social service response to child sex trafficking—and whether the federal government should play a role in helping coordinate a response across multiple systems. As part of its report on child sex trafficking, the National Academy of Sciences recommends, among other items, improving collaboration and information sharing across multiple sectors such as the federal government, state and local governments, academic and research institutions, foundations and nongovernmental organizations, and the commercial sector.[148]

Trafficking Victims Treated as Criminals or Delinquents[149]

Through the Trafficking Victims Protection Act of 2000, Congress legislated, essentially, that juveniles who are involved in commercial sexual crimes are to be considered the *victims* of these crimes.[150] However, researchers have cited disparities in the ways that exploited children are labeled at the state and local levels. It has been suggested that victims of child sexual exploitation—even though these children are too young to consent to sexual activity with adults—may at times be labeled as child prostitutes or juvenile delinquents and treated as criminals rather than being labeled and treated as victims. These children who are arrested may then be placed in juvenile detention facilities with juveniles who have committed serious crimes instead of in environments where they can receive needed social and protective services.[151] As Shared Hope International observes, "while this sometimes is viewed as the only option available to arresting officers, it is a practice that pulls the victim deeper into the juvenile justice system, re-victimizes [the young person], and hinders access to service."[152] Like runaway and homeless youth shelters, juvenile detention facilities provide treatment and services (in this instance, services aligned with a youth's pending charges) that are often unrelated to sex trafficking. Consequently, these services may be ineffective at addressing the deeper issues facing victims.[153]

Further, victims may enter into the juvenile justice system in situations where law enforcement does not know that the juvenile is a trafficking victim as well as in situations where law

[148] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 337-342.

[149] For more information on this issue, see CRS Report R43677, *Juvenile Victims of Domestic Sex Trafficking: Juvenile Justice Issues*, by Kristin Finklea.

[150] See remarks by Senator Richard Durbin, Hearing before the U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, *In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States*, 111th Cong., 1st sess., February 24, 2010.

[151] Smith, Vardaman, and Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children."

[152] Clawson and Grace, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking.*

[153] Ibid., p. 2.

enforcement *is* aware that the juvenile is a victim. For instance, a law enforcement officer who has not been trained in identifying children as victims of commercial sexual exploitation may mistakenly charge these children with a crime. Children may hide their identities by using fake identification cards to protect the pimp, further reducing the likelihood that the children will be identified as victims or that that the pimp will be prosecuted. On the other hand, an officer who recognizes that an individual is a victim may charge the individual with a crime so as to place the victim into one of the only available safe and secure environments—a detention facility within the juvenile justice system. As mentioned previously, there are few safe facilities for child victims of sex trafficking.

Results from the 2009 study conducted by Shared Hope International suggest that, in 9 out of 10 U.S. cities evaluated with respect to prostitution and other forms of commercial sexual exploitation, victims had been placed in juvenile detention centers.[154] There are no comprehensive data, however, that address the number of prostituted or otherwise sexually trafficked juveniles who are treated as offenders. Two studies do provide some insight into this number and how law enforcement agencies process children who are prostituted. One of the only studies that has attempted to gather these data relies on National Incident-Based Reporting System (NIBRS)[155] data from 76 law enforcement agencies in 13 states. Findings from this study, conducted by the Department of Justice, reveal that 229 juveniles were implicated as offenders in prostitution incidents, and arrests were made in about 74% of those cases between 1997 and 2000.[156] Although the percentage of juveniles involved in prostitution who were arrested is lower than the percentage of adult prostitutes arrested (90%),[157] this nonetheless suggests that in the sample examined, juveniles were more likely to be treated as offenders than as victims.

In addition, as part of the National Juvenile Prostitution Study,[158] juveniles were categorized as victims, as delinquents, or as both victims and delinquents based on how they were treated by police. Juveniles were categorized as being treated as victims if (1) only the exploiter was arrested or (2) the juvenile and exploiter were arrested but the charge against the juvenile was not a prostitution-related charge (e.g., disturbing the peace or a drug charge). Juveniles were categorized as being treated as delinquents if they were the only ones arrested or detained. They were categorized as being treated as both victims and delinquents if the exploiter was arrested on a charge specific to a sexual assault against a minor and the juvenile was also arrested on a prostitution-related charge. Based on this classification, 53% of juveniles were classified as victims, 31% as delinquents, and 16% as both victims and delinquents. For the cases where a child was classified as both a victim and delinquent, researchers examined the case summaries more carefully to see whether they could be classified more accurately as victims or as delinquents. In all cases, researchers were prompted to change the status to victim only because either (1) the initial charges were dropped or (2) there was a specific comment from the

[154] Ibid., p. 54.

[155] NIBRS is part of the FBI's Uniform Crime Reporting (UCR) program. Although both NIBRS and UCR are incident-based reporting systems, NIBRS presents more detailed information about crime incidents than does the UCR. NIBRS does not have as widespread of participation from state and local police, and the FBI has indicated that the data are not sufficiently robust to make broad generalizations about crime in the United States. See the FBI's website at http://www.fbi.gov/ucr/ucr.htm#nibrs. For more information about UCR and NIBRS, see archived CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council.

[156] David Finkelhor and Richard Ormrod, *Prostitution of Juveniles: Patterns From NIBRS*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, June 2004, p. 5.

[157] Ibid.

[158] Mitchell, Finklehor, and Wolak, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study."

investigator that the only reason the juvenile was charged was so they could get needed services. Overall, 69% of juveniles were ultimately classified as victims and 31% as delinquents.

The study found a strong and significant association between how the case came to the police's attention and how the juvenile was treated by law enforcement. Cases that began through a police report (i.e., a report by the juvenile, a family member, a social service provider, or others) were almost eight times more likely to result in the juvenile being treated as a victim than those cases that began through action taken by the police (i.e., surveillance or undercover operations). Juveniles were also more likely to be treated as victims if they were younger, female, frightened, or were dirty or had body odor at the time of the initial encounter with police.

Congress provides grants to states for juvenile justice through several avenues such as grants within the Juvenile Justice and Delinquency Prevention Act (JJDPA).[159] These grant programs provide funding for an array of purposes including counseling, mentoring, and training programs; community-based programs and services; after school programs; education programs; substance and drug abuse prevention programs; mental health services; gang-involvement prevention programs; and coordinating local service delivery among the different agencies involved, among other purposes. However, none of the purposes directly specify services for victims of trafficking or commercial sexual exploitation. As such, if victims of trafficking continue to be placed into the juvenile justice systems, policy makers may consider whether to expand or specify the list of purpose areas for which states may utilize juvenile justice grant funding.

Several policy options exist to address the issues in labeling victims of trafficking as perpetrators of crimes. For example, Congress may consider whether to provide grant money for the purposes of researching or establishing alternatives to detention for victims of child sex trafficking. A related question that may arise is whether these alternatives should be available for domestic victims and/or international victims, or whether this distinction should be made at all. Another option Congress may consider is whether to provide funding for programs to train law enforcement and social service providers to recognize possible indicators of trafficking and subsequently identify the victims. If Congress decided to appropriate funds for these types of programs, research would be needed to assess the reliability and validity of any trainings utilized.[160]

Another option that researchers have proposed is encouraging states and localities to adopt what have been referred to as "safe harbor" laws, preventing minor victims of trafficking from being prosecuted for prostitution and ensuring that they are provided with specialized services.[161] As noted, under the TVPA, the federal government recognizes individuals under the age of 18 who are involved in commercial sexual activity as *victims* rather than perpetrators. In addition, victims of sex trafficking are eligible for specialized services. Researchers and victim advocates have recommended that states adopt policies that are in line with the federal stance on child victims of sex trafficking. In addition, the Attorney General is required to promulgate a model state

[159] The JJDPA was enacted by P.L. 90-415 and was most recently reauthorized by P.L. 107-273. For more information on these programs, see CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by Kristin Finklea.

[160] For instance, according to Shared Hope International, after receiving training on identifiers of domestic minor sex trafficking, one runaway youth shelter in Louisiana identified 57% of the youth in the shelter as trafficking victims. Smith, Vardaman, and Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," p. 50. It is unknown, however, how these results may generalize to other social service and law enforcement agencies that may receive such training.

[161] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, p. 8. See also Polaris Project, *Safe Harbor: Protecting Sexually Exploited Minors*, August 2013.

trafficking statute; the most recent TVPA reauthorization in 2013 updated this requirement to note that this model statute should include the following safe harbor provisions:

> (A) treat an individual under 18 years of age who has been arrested for engaging in, or attempting to engage in, a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;
>
> (B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;
>
> (C) require the referral of an individual described in subparagraph (A) to appropriate service providers, including comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation; and
>
> (D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph;[162]

A number of states have started adopting specialized courts that would help divert at-risk youth (particularly girls at risk of prostitution) from the justice system and instead provide them with specialized services. For example, there are "Girls Courts" in California[163] and Hawaii,[164] as well as a network of 11 Human Trafficking Intervention Courts in New York.[165] Policy makers may debate whether to expand existing grant programs such that funds could be used to support such efforts. They may also consider whether to create a separate path of federal support for such diversion programs.

Reducing Demand for Minor Sex Trafficking in the United States

It is widely agreed upon that any efforts to reduce the prevalence of child sex trafficking—as well as other forms of trafficking—must include efforts to reduce not only the supply, but also the *demand*.[166] Research has identified various factors that contribute to the demand for commercial sex. One such factor contributing to the demand for younger girls is that buyers believe they are less likely to contract a sexually transmitted disease from a younger girl.[167] Another factor influencing the demand for commercial sex is the technology boom; commercial sex is advertised extensively on the Internet, and buyers are connected with victims through cell phones—allowing traffickers to conduct business quickly and anonymously over the phone rather than face-to-face. As succinctly noted by one recent study,

> Given the broad range of factors associated with men purchasing sex, additional research is needed to help support or refute the reasons currently proposed for why men buy sex and

[162] 22 U.S.C. §7101 note.

[163] "Courts Take a Kinder Look at Victims of Child Sex Trafficking," *NPR*, March 1, 2014. See also Patricia Leigh Brown, "A Court's All-Hands Approach Aids Girls Most at Risk," *The New York Times*, January 28, 2014.

[164] State of Hawaii, *Hawaii Girls Court*, http://www.girlscourt.org/.

[165] New York State Unified Court System, "NY Judiciary Launches Nation's First Statewide Human Trafficking Intervention Initiative," press release, September 25, 2013.

[166] One grant program under the TVPA (P.L. 109-164, 42 U.S.C. 14044c) includes strengthening demand reduction as one of the allowable activities. This program would assist state and law enforcement to enhance their anti-trafficking efforts, but the program has not been funded.

[167] Shared Hope International, *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, p. 5.

> more important, the motivators for purchasing sex with minors, to better explain the biological, social, and cultural influences on this behavior.[168]

As experts have recommended increased research into the factors associated with purchasing sex, policy makers may debate whether or not to further support this research, in either the private or public domains—or both.

Experts have also provided recommendations for demand reduction strategies that involve increasing public awareness and prevention as well as bolstering investigations and prosecutions of those buying illegal commercial sex. The federal government has already taken steps to address demand reduction. For example, DOJ's Office of Justice Programs funded a national assessment of sex trafficking reduction efforts. This program sampled over 825 cities and counties that have engaged in some form of demand reduction programs. Through the program, researchers gathered intensive information from 274 sites including police and sheriff's departments, prosecutors, social service providers, and others. Researchers found that evidence supporting the effectiveness of demand-reduction tactics "is robust in relation to evidence of the effectiveness of other approaches" such as supply-reduction interventions.[169] The researchers did not, however, draw conclusions about the comparative effectiveness of specific demand-reduction program models.

Policy makers may consider other policy options to reduce the demand for commercial sex with minors. For instance, Congress may consider whether to provide further grant money designated specifically for campaigns to increase public awareness of the issue. Also, some researchers have suggested that increasing the age of consent in all commercial sex activities would be an effective means of reducing the risk of misidentifying a minor as an adult.[170] Congress may debate whether this would also decrease the rate at which johns seek out minors for commercial sex or whether it would only decrease the genuine misidentification of a minor as an adult. Yet another option that Congress may consider is whether strengthening the federal anti-trafficking laws, particularly with respect to the investigation and prosecution of buyers of commercial sex with minors. As mentioned, one distinction between the prosecution of traffickers and the prosecution of buyers appears to be that traffickers can be prosecuted whether or not a victim is brought across state lines. On the other hand, federal statutes generally used to prosecute the buyers of commercial sex appear to require that either the buyer crosses state lines or that he entices the victim to cross state lines. Congress may also consider whether encouraging states to strengthen their laws to provide harsher penalties for engaging in commercial sex activities with minors would deter individuals from doing so. Policy makers may also debate whether providing funding to assist states with investigations and prosecutions of these crimes would in turn reduce the prevalence of buyers who are willing to engage in commercial sex with minors.

Data on Victims and Perpetrators

Studies of sex trafficking, including those involving sex trafficking of children in the United States, are scarce. Those studies that do provide insight into the number of victims of child sexual exploitation, such as those conducted by Estes and Weiner and Shared Hope International (see

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[168] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, p. 113.

[169] Michael Shively, Kristina Kliorys, and Kristin Wheeler, et al., *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts: Final Report*, Abt Associates, Grant #2008-IJ-CX-0010, April 30, 2012, p. v.

[170] Shared Hope International, *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, p. 148.

Appendix A), provide estimates based on the number of youth who are at risk of trafficking or were identified as victims in a small number of cities. Given the nature of sex trafficking, estimating the number and characteristics of victims, pimps/traffickers, and johns is difficult. Nonetheless, the TVPA required that the Department of Justice provide demographic and other information related to sex trafficking in reports to Congress.[171] Specifically, the act required "review and analysis of sex trafficking and unlawful commercial sex acts in the United States" in two reports. One of the two reports is to address severe forms of trafficking in persons, including the estimated number and demographic characteristics of persons engaged in severe forms of trafficking. The other report is to address sex trafficking, including the number and demographic characteristics of persons engaged in sex trafficking and those who purchase sex acts; the estimated value in dollars of the "commercial sex economy;" and the number of investigations, arrests, and incarcerations of persons engaged in sex trafficking, including purchasers of sex trafficking. DOJ has completed studies of severe forms of trafficking in persons by using a data system known as the Human Trafficking Reporting System (HTRS), discussed above.[172] These data are based on human trafficking incidents that were opened for investigation by state and local trafficking task forces. Approximately 40% of all incidents opened for investigation involved children who were sex trafficked. It does not appear that DOJ has carried out the second report on sex trafficking.

[171] 42 U.S.C §14044(a)(1).

[172] Banks and Kyckelhahn, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*.

Appendix A. Selected Studies Measuring Sex Trafficking of Children

Estimates of children who are victims of sex trafficking are scarce, and there is little to no consensus on the value of existing estimates. The research literature includes studies that use varying methodology, such as differences in how the population is defined, how data are collected (e.g., estimates based on youth risk factors, interviews with stakeholders, police records, etc.), and the geographic scope (e.g., city, state, or national) of the study.[173] Some of these studies are discussed below.

As part of their research on child sex trafficking and commercial sexual exploitation, the National Academy of Sciences discussed these and other studies. Their report concluded that the despite absence of strong evidence on the nature and extent of the problem, they should focus on how federal and other stakeholders could make progress in addressing child sex trafficking and commercial sex trafficking. The report discussed the challenges with focusing on better prevalence and incidence studies, including cost. It suggested shifting focus and resources from national-level counting to more targeted counting, such as the number of survivors from a specified region or subpopulation receiving services, charges brought forth by prosecutors, and successful convictions of exploiters and traffickers.[174]

Estes-Weiner Study

Richard J. Estes and Neil Alan Weiner estimated in their 2001 study that more than 244,000 youth in the United States were at risk of becoming victims of prostitution and other forms of trafficking.[175] Importantly, the authors noted that this number did not reflect the *actual* number of child exploitation cases. The study noted that the majority of victims tended to be runaway or thrown-away youth who lived on the streets and became victims of prostitution. Generally, these children came from homes where they had been abused or abandoned and often became involved in prostitution as a way to support themselves.[176]

Estes and Weiner found that approximately 55% of girls living on the streets in the United States engaged in formal prostitution, and of these girls, approximately 75% worked for a pimp/trafficker.[177] The average age at which girls first entered into prostitution was between 12

[173] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 41-42.

[174] Ibid.

[175] The study was revised in 2002. The researchers use the term commercial sexual exploitation. Their definition of commercial sexual exploitation of children includes child pornography, juvenile prostitution, and trafficking in children. Estes and Weiner estimated that 244,000 children in the United States are at risk of becoming victims of sex trafficking, but then reduced the estimate by 25% to minimize duplications in the counts of runaway and thrown-away youth. Estes and Weiner, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, pp. 10, 144-151. This study has been criticized because, among other issues, the authors lack any evidence on how many of the "at risk" youth actually become involved in prostitution. In addition, some have noted that there is duplication among the counts of "at risk" youth. Michelle Stansky and David Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?*, Crimes Against Children Research Center, University of New Hampshire, 2008, http://www.unh.edu/ccrc/prostitution/Juvenile_Prostitution_factsheet.pdf. (Hereinafter, Stransky and Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?*)

[176] Ibid., pp. 2-4.

[177] Ibid., p. 60.

and 14 years, and the average age of entry into prostitution for boys was between 11 and 13 years. The researchers also estimated that in the United States, approximately 156,200 homeless youth were at risk of commercial sexual exploitation.[178]

National Juvenile Prostitution Study

The National Juvenile Prostitution Study surveyed nearly 2,600 law enforcement agencies regarding individuals involved in juvenile prostitution in 2005. Data were collected on whether agencies arrested or detained—in conjunction with a juvenile prostitution case—(1) youth under age 18 or (2) adults ages 18 and older.[179] In total, the study calculated 1,450 arrests and detentions for crimes related to juvenile prostitution that year, including crimes committed by adults. The study further found that 95% of the law enforcement agencies sampled made no arrests in cases involving juvenile prostitution; in large jurisdictions where researchers assumed such cases would be most likely, 56% of agencies reported no arrests or detentions. Based on these findings, the researchers suggested that, at least in larger communities, police were not doing enough to address the problem of child prostitution in particular.[180]

To gather more information and data on victim characteristics, researchers followed up with law enforcement officials from agencies that had reported arrests or detentions in juvenile prostitution cases. They randomly sampled these agencies and spoke with case investigators for 138 cases. Cases were classified under three categories: third-party exploiters, solo juveniles, and child sexual abuse (CSA) cases with payment. Most of the cases (57%) were classified as third-party exploiters. This category involved pimps or others who profit financially from selling juveniles for sex, and included small-time or less formal operations and well-organized criminal and commercial enterprises, such as massage parlors. The solo juvenile category, which involved 31% of the cases, encompassed juveniles who offered themselves for sexual services (including pornography production), typically to people they did not know, for money or other items of monetary value.[181] This group included juveniles who lacked a stable residence and juveniles living in a home or institution, such as a foster home. Finally, the remaining 12% of youth were engaged in CSA with payment cases, whereby children were sexually abused by family members, acquaintances, and caretakers and who were paid money as inducements to engage in or continue these sexual acts. Researchers found that of the entire sample, 9 out of 10 youth were female and more than half (55%) were ages 16 or 17. Most (60%) had a history of running away; in 12% of the cases, officials did not know about the runaway history.

[178] To calculate this estimate, the researchers used findings from their field research that 30% of shelter youth and 70% of homeless youth are victims of commercial sexual exploitation. This study has been criticized because, among other issues, the authors lack any evidence on how many of the "at risk" youth actually become involved in prostitution. In addition, some have noted that there is duplication among the counts of "at risk" youth. Stransky and Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?*

[179] Kimberly J. Mitchell, David Finklehor, and Janis Wolak, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study," *Child Maltreatment,* vol. 15, no. 1 (February 2010),. (Hereinafter, Mitchell, Finklehor, and Wolak, "Conceptualizing Juvenile Prostitution as Child Maltreatment: Findings from the National Juvenile Prostitution Study.")

[180] The fact that many police agencies are not actively arresting juveniles for prostitution means data related to prostitution arrests cannot fully characterize the problem of juvenile prostitution. For a detailed discussion of this argument, see Stansky and Finkelhor, *How Many Juveniles are Involved in Prostitution in the U.S.?*

[181] Although police did not find evidence for a third-party exploiter, some of these youth may have been exploited by a commercial operator.

Shared Hope International Study

In 2006, Shared Hope International, a nonprofit organization that seeks to prevent and eradicate sex trafficking, began working with 10 Department of Justice-funded human trafficking task forces[182] to assess the scope of sex trafficking of children. The study defined domestic minor sex trafficking (DMST) as the commercial sexual exploitation of American children within U.S. borders, which includes prostitution, pornography, and/or stripping.[183] While the study used a broad definition of DMST, it focused primarily on the prostitution of children.[184] Researchers requested that the 10 task forces identify the number of minors who qualified as DMST victims. No further information was provided about how victims were identified, except to say that an accurate count of the number of victims was not available due to many factors, including a lack of protocols to track victims and misidentification of victims. **Table A-1** presents the findings from the 10 study sites. Notably, the data collected are not uniform and represent different time periods.

Table A-1. Number of Suspected Child Sex Trafficking Victims in Selected Locations

Shared Hope International Study

Research Site	State/Territory	Number of Suspected DMST[a] Victims	Time Period
Dallas	Texas	150	2007
San Antonio/Bexar County	Texas	3-4	2005-2008
Fort Worth/Tarrant County	Texas	29	2000-2008
Las Vegas	Nevada	5,122	1994-2007
Independence/Kansas City area	Missouri	227	2000-2008
Baton Rouge/New Orleans area	Louisiana	105	2000-2007
Saipan/Rota/Tinian	Northern Mariana Islands	1	2008
Salt Lake City	Utah	83	1996-2008
Buffalo/Erie County	New York	74-84	2000-2008
Clearwater/Tampa Bay area	Florida	36	2000-2008

Source: Linda A. Smith, Samantha Healy Vardaman, and Melissa A. Snow, "The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children," Shared Hope International, May 2009, p. 11.

Notes: Due to a lack of formal tracking protocols, some DMST victims may be duplicated within a city and some may not have been included in the counts. These numbers were obtained through an interview process in addition to official government records.

a. Domestic Minor Sex Trafficking (DMST)

[182] There are currently 13 task forces in total but in 2006 there were 42. The Department of Justice makes awards to law enforcement agencies to form these victim-centered human trafficking task forces. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2009*, June 2010.

[183] In other words, foreign children are not included in their definition of DMST victims. Smith, Vardaman, and Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children,* p. iv.

[184] Ibid., p. 11. Focusing on other aspects of DMST, such as pornography, may increase the number of suspected victims in a given area.

Ohio Trafficking in Persons Study Commission

In 2009, Ohio Attorney General Richard Cordray tasked the Ohio Trafficking in Persons Study Commission to explore the scope of human trafficking within Ohio. Using methodologies developed in other studies—including the Estes and Weiner study discussed above—the commission estimated that of the American-born youth in Ohio, nearly 3,000 (2,879) were at risk for sex trafficking, or prostitution. Further, 1,078 Ohio youth were estimated to have been victims of sex trafficking over the course of one year.[185] The researchers also estimated that 3,437 foreign-born persons (adults and juveniles) in Ohio were at risk for sex or labor trafficking, of which 783 were estimated to be trafficking victims.[186] Additionally, they estimated that 945 homeless youth in Ohio may be at risk for trafficking.[187] Importantly, the report states, "due to the very nature of human trafficking, it is virtually impossible to determine the exact number of victims in Ohio at any given time and with any degree of certainty."[188]

Prostitution of Juveniles: Patterns from the National Incident-Based Reporting System (NIBRS)

In 2004, DOJ's Office of Juvenile Justice and Delinquency Prevention published a report examining characteristics of juvenile prostitution incidents that had come to the attention of law enforcement.[189] Data referenced in the report are from the National Incident-Based Reporting System (NIBRS), years 1997–2000. With the caveat that the data included in this study were limited,[190] findings suggest that juvenile prostitution and adult prostitution are distinctive. Compared to adult prostitution, the prostitution of juveniles was more likely to occur indoors, to occur in large cities, and to involve multiple offenders. Within the category of juvenile prostitution, the study also noted differences between boys and girls. Male juvenile prostitutes were often older than female juvenile prostitutes, and they were more likely to operate outdoors. When arresting juveniles for prostitution, law enforcement more often arrested males than females. Researchers also found that police were more likely to characterize juveniles engaged in

[185] Celia Williamson, Sharvari Karandikar-Chheda, and Jeff Barrows, et al., *Report on the Prevalence of Human Trafficking in Ohio To Attorney General Richard Cordray*, Ohio Trafficking in Persons Study Commission, Research and Analysis Sub-Committee, Toledo, OH, February 10, 2010, http://www.ohioattorneygeneral.gov/TraffickingReport.

[186] Ibid., p. 5. The researchers identified four factors that may increase a child's risk of becoming a victim of sex trafficking in the United States: (1) Ohio's weak response to trafficking victims; (2) evidence that first responders to sex trafficking incidents in Ohio are unaware and unprepared; (3) customers who purchase services from youth receive minimal charges and are rarely prosecuted, and traffickers suffer minimal consequences; and (4) the high rates of vulnerable youth in Ohio.

[187] Ibid., p. 42.

[188] Ibid., p. 7.

[189] David Finkelhor and Richard Ormrod, *Prostitution of Juveniles: Patterns from NIBRS*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, Washington, DC, June 2004, http://www.ncjrs.gov/pdffiles1/ojjdp/203946.pdf.

[190] The data in this study are from a limited number of cases (13,814 prostitution incidents involving identified offenders—both adults and juveniles) and from only 76 agencies in 13 states. The NIBRS collects data, including data on offense(s), offender(s), victim(s), arrestee(s), and any property involved in an offense, for 46 different Group A offenses (those that include data on victims, offenders, circumstances, etc.) and 11 different Group B offenses (those that include data only on the arrestee). Despite the detailed crime data that the NIBRS can provide, nationwide implementation of the program has been slow, for a variety of reasons, including cost considerations. For more information, see archived CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council. See also http://www.fbi.gov/about-us/cjis/ucr/frequently-asked-questions/nibrs_faqs.

prostitution as offenders rather than as victims of crime. However, those characterized as victims were more likely to be younger and female.

Appendix B. Trafficking Victim Services for Noncitizens

The TVPA, as amended, is the major federal legislation that authorizes these services, which are provided primarily by the Departments of Justice (DOJ) and Health and Human Services (HHS). In practice, these services tend to be targeted to *noncitizen victims*.

Department of Justice (DOJ)

Office for Victims of Crime (OVC)

The TVPA of 2000 created a grant program administered by the Attorney General to provide grants to states, Indian tribes, local governments, and nonprofit victims' services organizations to develop, expand, or strengthen victims' service programs for trafficking victims.[191] This grant program, known as the Services for Victims of Human Trafficking Program, is administered through DOJ's Office for Victims of Crime (OVC) and provides emergency services—including temporary housing, medical care, crisis counseling, and legal assistance—to victims as soon as they have been identified, prior to certification by HHS. OVC awards grants to organizations to

> (1) provide timely, professional, and culturally competent services to foreign national victims of severe forms of human trafficking; and (2) build community capacity in addressing the needs of [trafficking in persons] TIP victims by enhancing interagency collaboration and supporting coordinated victim responses.[192]

This program provides services to pre-certified victims of human trafficking, and since FY2010, OVC has also allowed grantees to provide ongoing support to *all* certified victims of trafficking.[193]

In addition, in FY2010, OVC and the Bureau of Justice Assistance (BJA) jointly funded a grant to fund a comprehensive approach to countering trafficking—sex trafficking as well as labor trafficking of both foreign and domestic victims. BJA's contribution to the grant program supported law enforcement agencies in three sites with anti-human trafficking task forces; the agencies coordinated task force efforts with local U.S. Attorneys and victim service providers. OVC's contribution to the grant program funded victim service organizations to coordinate comprehensive victim services.[194]

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[191] P.L. 106-386, §107(b)(2); 22 U.S.C §7105(b)(2)(A).

[192] U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2010*, p. 40.

[193] Because this program has provided services to pre-certified and certified victims of trafficking, this would imply that only *noncitizens* may eligible for this grant program. However, since certification is not a requirement to receive services through DOJ, U.S. citizens, LPRs, and noncitizens may all be eligible for services. In fact, using the same authority provided for the Trafficking Victims Discretionary Grant Program (22 U.S.C §7105(b)(2)(A)), DOJ has funded a grant for child victims of sex trafficking—Services for Domestic Minor Victims of Human Trafficking. The grant is authorized under 22 U.S.C. §7105(b)(2)(A), pertaining to grants made by the Attorney General to develop, expand, or strengthen victim service programs for victims of trafficking in the United States. Additionally, U.S. citizen and LPR trafficking victims may be eligible for victims' assistance and compensation from OVC through the Crime Victims Fund. This fund provides a direct reimbursement for crime-related expenses, including medical costs, mental health counseling, lost wages or loss of support, and funeral or burial costs.

[194] U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2010*, p. 42.

Furthermore, OVC continues to oversee three projects awarded under the Recovery Act of 2009 that are designed to address the needs of domestic minor victims of trafficking. These projects include the following:

- A project run by Girls Education and Mentoring Services (GEMS) Inc., to provide specialized training and technical assistance to service providers in six cities.
- A joint effort between the Seattle Police Department and the Seattle Human Services Department to support an advocate position within a community-based, nonprofit, residential recovery program for prostituted youth.
- Providing the funds to the Sexual Assault Resource Center (SARC) in Portland, OR, to provide services to 44 minor victims of sex trafficking.[195]

Department of Health and Human Services (HHS)

In practice, HHS administers grant programs to nonprofit and other organizations that directly serve *noncitizen* trafficking victims and provides information to the public about trafficking. The grants for victims' services, as well as certain benefits solely for noncitizen victims, are provided by the Office of Refugee Resettlement (ORR) in the Administration of Children and Families. According to ORR, the office does not provide any services to U.S. citizen victims of trafficking even though such services are authorized under TVPA. ORR notes that this is because Congress has not appropriated any money specifically for these services.[196]

Certification

To receive benefits and services through HHS under the TVPA (22 U.S.C. §7105(b)), victims of severe forms of trafficking who are at least 18 years of age must be certified by the Secretary of HHS, after consultation with the Secretary of Homeland Security.[197] Certified victims must be willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking. They must have made a bona fide application for a T-visa (that has not been denied). Further, they must have been granted continued presence in the United States in order to effectuate the prosecution of traffickers in persons.[198] ORR provides certification and eligibility letters for victims.

Under the law, noncitizen trafficking victims under the age of 18 do not have to be certified to receive benefits and services, but it is HHS policy to issue eligibility letters to such victims. As

[195] U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*, pp. 47-48.

[196] CRS correspondence with the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, June 17, 2011.

[197] The Homeland Security Act of 2002 (HSA; P.L. 107-296) abolished the Immigration and Naturalization Service (INS) and transferred most of its functions to various bureaus in the newly created Department of Homeland Security (DHS) effective March 1, 2003. In addition, due to HSA much of the Attorney General's authority in immigration law is currently vested in or shared with the Secretary of Homeland Security. For more information on the role of the Attorney General and Secretary of Homeland Security in immigration law, see archived CRS Report RL31997, *Authority to Enforce the Immigration and Nationality Act (INA) in the Wake of the Homeland Security Act: Legal Issues*, by Stephen R. Vina.

[198] TVPA §107(b)(1)(E); 22 U.S.C. §7105(b)(1)(E).

discussed in this report, the concept of certification does not apply to U.S. citizen and LPR victims.

Victims' Services Through the Office of Refugee Resettlement (ORR)

Once trafficking victims are certified, they may be eligible for certain victims' services through ORR.[199] ORR funds and facilitates a variety of programs to help refugees achieve "economic and social self-sufficiency in their new homes in the United States." These programs are intended to help needy refugees who are ineligible to receive benefits under two federal programs available to U.S. citizens: Temporary Aid for Needy Families (TANF) and Medicaid.[200]

For trafficking victims, ORR also provides grants to organizations that render assistance specific to the needs of these victims, such as temporary housing, independent living skills, cultural orientation, transportation needs, access to appropriate educational programs, and legal assistance and referrals. ORR may also supply trafficking victims with intensive case management programs to help the victim find housing and employment, and provide mental health counseling and specialized foster care programs for children. These services are not currently available to U.S. citizen trafficking victims.[201]

Rescue and Restore Victims of Human Trafficking Campaign

HHS, through ORR, also conducts outreach to inform victims of available services and to educate the public about trafficking.[202] HHS established the Rescue and Restore Victims of Human Trafficking public awareness campaign, which promotes public awareness about trafficking and the protections available for trafficking victims. The goal of the campaign is to help communities identify and serve victims of trafficking and support them in coming forward to receive services and aid law enforcement. HHS funds three contracts to "intermediary" organizations to foster connections between the Rescue and Restore campaign and local service providers. These intermediaries serve as the focal points for regional public awareness campaign activities and aid in victim identification.

In addition to promoting public awareness about trafficking, HHS, through the Rescue and Restore campaign, has established anti-trafficking coalitions.[203] These coalitions are intended to increase the number of trafficking victims who are identified and assisted. Coalition members include social service providers, local government officials, health care professionals, leaders of faith-based and ethnic organizations, and law enforcement personnel. Along with identifying and

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[199] For more information, see CRS Report R41570, *U.S. Refugee Resettlement Assistance*, by Andorra Bruno.

[200] For a discussion of the eligibility of trafficking victims for state and federal means-tested benefits, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends*, by Alison Siskin.

[201] In FY2008 and FY2009, ORR piloted a program in which community outreach workers who located a U.S. citizen/LPR child or adult victim of sex trafficking were given a letter from ORR stating that the individual may be a victim of human trafficking and might qualify for services as such. Nonetheless, ORR does not provide any services to U.S. citizen or LPR child victims of trafficking. U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2008*, p. 19. U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2010*, p. 11. CRS correspondence with the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, June 17, 2011.

[202] U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2011*.

[203] DOJ, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2010*, p. 96.

assisting victims, coalition members use the Rescue and Restore campaign messages to educate the general public about human trafficking.

Another component of the campaign is the creation of a toll-free National Human Trafficking Resource Center (NHTRC) available for advice and victim-care referrals 24-hours a day.[204] In FY2013, the NHTRC received 20,579 phone calls. These calls included information on 4,884 cases of human trafficking. Of these, 3,392 involved sex trafficking, and 119 additional cases involved both sex and labor trafficking. It is unknown, however, how many of the calls to NHTRC were related to situations involving *child* prostitution.[205]

[204] The NHTRC is carried out by the Polaris Project, a nonprofit organization that works on human trafficking issues. U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2012,* pp. 20-21.

[205] There were 502 calls where the type of trafficking was not specified. NHTRC, *Hotline Statistics 2013*.

Appendix C. Other Possible Federal Responses to Sex Trafficking of Minors

Policy makers and researchers have begun viewing commercial child sexual exploitation as a form of human trafficking. Nonetheless, while anti-trafficking statutes are fairly new, having first been enacted in 2000, the issue of commercial child sexual exploitation is not. Thus, there are other laws and programs that attempt to address the issues surrounding the commercial sexual exploitation of children, some of which have been in existence for several decades. While these laws and programs target exploited children, they do not focus exclusively on trafficking victims. This Appendix contains a discussion of selected programs.

Department of Health and Human Services (HHS)

Runaway and Homeless Youth Program[206]

As discussed, runaway youth are particularly at risk of becoming victims of sex trafficking. The Runaway and Homeless Youth (RHY) program, administered by the Family and Youth Services Bureau (FYSB) of HHS, includes three programs to assist runaway and homeless youth. For FY2015, Congress appropriated $114.1 million for the program. Two of the programs—the Basic Center program (BCP) and Transitional Living program (TLP)—provide shelter, counseling, and related services to youth. While the BCP and TLP generally do not specialize in services for runaway and homeless victims of prostitution and other forms of sexual exploitation, some providers serve these victims.[207]

The third RHY program, the Street Outreach program (SOP), provides street-based outreach and education, including treatment, counseling, provision of information, and referrals for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse and exploitation. Trained workers, some of whom are employed by BCPs and TLPs (and other runaway and homeless youth shelters that are not federally funded), visit youth on the street to provide these services and referrals.

The RHY program also funds the National Runaway Safeline (NRS), which serves as the national communication system for runaway and homeless youth. The NRS mission is to keep runaway and at-risk youth safe and off the streets. NRS operates a 24-hour hotline to provide crisis intervention, referrals to community resources, and family reunification. NRS staff are trained on issues involving child sexual exploitation and provide training to RHY and other grantees about the forms of sexual exploitation among runaway and homeless youth.[208]

In 2008, staff from the Family and Youth Services Bureau and Office of Refugee Resettlement provided training to five RHY grantee sites.[209] The grantees were funded under the BCP, TLP, and/or SOP. According to HHS, the training familiarized ORR staff with the work of FYSB grantees. Further, the training developed and tested a training module for new ORR and FYSB

[206] For further information, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics and Programs*, by Adrienne L. Fernandes-Alcantara.

[207] ECPAT USA and Shared Hope International, *National Colloquium: 2012 Final Report*.

[208] National Runaway Safeline, "Human Trafficking Awareness Month," website accessed March 2014.

[209] The sites were in San Diego, CA; and Austin, Galveston, and San Antonio in Texas. CRS correspondence with the U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Family and Youth Services Bureau, March 2010.

grantees on ORR procedures in processing or certifying trafficked youth. The training highlighted the differences between domestic and foreign trafficking victims, the different services they can receive, and emerging issues related to providing services to these youth—including the labeling of youth as victims or offenders as well as defining trafficking.

The 2013 strategic plan on services for U.S. victims, as outlined by the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, specified that runaway and homeless youth providers are part of a broader response to sex trafficking that involves multiple sectors and organizations. The federal strategic plan calls for greater supports for RHY and other social service providers in aiding victims of trafficking. The plan articulates that these providers "need training and support to expand their screening protocols to identify those who are trafficking victims and to provide appropriate services and referrals." The plan also lays out action steps that HHS can take to prepare runaway and homeless providers in responding. HHS is currently working on such efforts. With support from HHS/ACF, four Runaway and Homeless Youth program grantees have collaborated with the FBI on its Innocence Lost initiative to recover victims of child sex trafficking. These grantees developed a set of standards for working with victims of trafficking that have been used to provide training and technical assistance to grantees.[210]

Department of Justice (DOJ)

Missing and Exploited Children's Program[211]

The Missing Children's Assistance Act (P.L. 98-473), as amended, authorizes funding for the Missing and Exploited Children's (MEC) program. The act is the centerpiece of federal efforts to prevent the abduction and sexual exploitation of children, and to recover those children who go missing.[212]

Since 1984, the National Center for Missing and Exploited Children (NCMEC) has served as a national resource center and has carried out many of the objectives of the act in collaboration with OJJDP. The Missing Children's Assistance Act directs NCMEC to provide technical assistance to law enforcement agencies and first responders in identifying, locating, and recovering victims of, and children at risk for, child sex trafficking. NCMEC's Child Sex Trafficking Unit provides technical assistance to law enforcement agencies working to identify and recover children in the United States who have been victimized by sex trafficking. Analysts in the unit provide analytical reports about offenders who sexually exploited children through sex trafficking, and they provide information to law enforcement officials about known missing child cases possibly linked to sex trafficking. NCMEC also operates the CyberTipline, which allows the public and electronic communication service providers (e.g., search engines and email providers) to report child victims of prostitution, enticement of children for sexual acts, child sexual molestation occurring outside the family, child pornography, and sex tourism involving children. NCMEC analysts from

[210] HHS, Administration for Children and Families, Family and Youth Services Bureau, "A Federal Partnership Brings Justice to Sexual Exploiters While Protecting Runaway and Homeless Youth."

[211] For further information, see CRS Report RL34050, *Missing and Exploited Children: Background, Policies, and Issues*, by Adrienne L. Fernandes-Alcantara.

[212] The act directed DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish both a toll-free number to report missing and exploited children and a national resource center for missing and exploited children; coordinate public and private missing and exploited children's programs; provide training and technical assistance to recover missing children; and assist law enforcement entities in combating child exploitation.

the Exploited Children's Unit send verified reports to the appropriate Internet Crimes Against Children Task Forces (see discussion elsewhere in this report) or, when appropriate, the local police agencies. The CyberTipline also accepts reports of misleading domain names and unsolicited materials sent to children, which are then referred to the Child Exploitation and Obscenities Section (CEOS) of DOJ. Federal law enforcement agents and analysts co-located at NCMEC prepare and serve subpoenas based on leads from the CyberTipline, and reported leads are referred to field offices.[213] The FBI uses CyberTipline reports to gain leads for their Innocence Lost Project on domestic child trafficking. The majority of reports are for child pornography.

The MEC program also supports the Internet Crimes Against Children (ICAC) Task Force program to assist state and local law enforcement cyber units in investigating possible incidents of online child sexual exploitation (discussed above). The MEC also provides technical assistance for the AMBER Alert system, which coordinates state efforts to broadcast bulletins in the most serious child abduction cases.

In addition to funding its major components (the National Center for Missing and Exploited Children, the ICAC Task Force Program, etc.), the Missing and Exploited Children's program provides funding for smaller grant programs, some of which have targeted victims of commercial sexual exploitation. For example, in FY2009, DOJ allocated funding for two competitive grant programs that address commercial sexual exploitation. One of the grants provided funding to three communities to assist in developing policies and procedures for identifying victims of commercial sexual exploitation.[214] Another grant, Research on the Commercial Sexual Exploitation of Children, was used to support research on the scope and consequence of the commercial sexual exploitation of children and youth.[215] For FY2011, the MEC program provided funding through a grant, the Technical Assistance Program to Address Commercial Sexual Exploitation/Domestic Minor Sex Trafficking. The program funded Safe Horizon, Inc., a victim assistance agency, to provide training and technical assistance to OJJDP grantee organizations and other entities to implement or enhance efforts to identify youth at risk of commercial sexual exploitation (defined above) and domestic minor sex trafficking (not defined); develop or enhance mentoring service models for youth at risk; provide an array of services for youth victims; and develop and deliver prevention programming in a variety of community settings.[216]

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[213] Federal law enforcement officials from five agencies (FBI, U.S. Postal Inspection Service, U.S. Marshals Service, Immigration and Customs Enforcement Agency, and the State Department) work full- or part-time at NCMEC investigating missing and exploited children cases, as they pertain to their federal jurisdiction.

[214] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *FY 09 Improving Community Response to the Commercial Sexual Exploitation of Children and Research on the Commercial Sexual Exploitation of Children*. The grantees were Multnomah County, OR; Alameda County, CA; and Kristi House, a child advocacy center for sexually abused children, in Miami, FL. An FY2009 technical assistance grant through the ICAC program awarded funds to the Girls Education and Mentoring Services (GEMS) to provide technical assistance to the grantees. According to the funding announcement for the grants, commercial sexual exploitation describes a range of crimes of a sexual nature committed against victims younger than age 18, primarily or entirely for financial or other economic reasons, including trafficking for sexual purposes, prostitution, sex tourism, mail-order bride trades and early marriage, pornography, stripping, and performances in sexual venues such as peep shows or clubs.

[215] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *FY 09 Research on the Commercial Exploitation of Children.* The grantee was the Fund for the City of New York, a nonprofit organization that funds projects to advance the "functioning of government and nonprofit organizations in New York and beyond."

[216] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *FY 11 Technical Assistance Program to Address Commercial Sexual Exploitation/Domestic Minor Sex Trafficking.*

Violence Against Women Act (VAWA) Programs[217]

In the Violence Against Women Act Reauthorization Act of 2013 (P.L. 113-4), Congress clarified that victim services and legal assistance (authorized by VAWA) include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are *also* victims of severe forms of trafficking in persons (as defined under Trafficking Victims Protection Act of 2000). While this did not specifically add services to trafficking victims to the purpose areas of all VAWA programs, it *clarified* that services can be provided to certain victims populations who are also trafficking victims.

Additionally, in P.L. 113-4 Congress amended several VAWA grant programs to specifically add to their allowable activities serving victims of trafficking. For instance, the newly consolidated Creating Hope Through Outreach, Options, Services, and Education for Children and Youth (Choose Children and Youth) Grant Program, the Grants to Indian Tribal Governments Program, and the Grants to Indian Tribal Coalitions Program all may be employed to serve victims of sex trafficking.

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[217] For a discussion of these and other VAWA programs, see CRS Report R42499, *The Violence Against Women Act: Overview, Legislation, and Federal Funding*, by Lisa N. Sacco.