

COMMENTS ON
BILL TO
END DEMAND FOR SEX TRAFFICKING ACT OF 2005

Submitted by

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<p>A BILL To combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes.</p>	<p>COMMENTS</p>
<p>SECTION 1. SHORT TITLE. This Act may be cited as the “End Demand for Sex Trafficking Act of 2005”</p>	<p>The focus of the bill is upon unlawful commercial sex and not on trafficking per se. Thus, it would be appropriate to revise the title of the bill to more clearly reflect the content of the bill.</p>
<p>SEC. 2. FINDINGS AND PURPOSES.</p> <p>(a) FINDINGS.—Congress makes the following findings:</p> <p>(1) Commercial sexual activities have a devastating impact on society. The sex trade has a dehumanizing effect on all involved.</p> <p>(2) According to a 2004 publication by the Office to Monitor and Combat Trafficking in Persons of the State Department, prostitution and related activities, including pimping and patronizing or maintaining brothels, fuel the growth of modern-day slavery by providing a facade behind which sex traffickers operate. Where prostitution is tolerated, there is a greater demand for trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sexual activities.</p> <p>(3) The Trafficking in Persons National Security Presidential Directive (February 25, 2003) states that prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons. In September 2003, President George W. Bush gave a speech at the United Nations in which he characterized the victimization of children in the sex trade as a “special evil”. He specifically condemned the demand for victims by saying, “Those who patronize this industry debase themselves and deepen the misery of others”.</p> <p>(4) An alarming number of individuals who are used for commercial sexual activities are socially and economically marginalized, and kept in effective bondage by threats or acts of physical and sexual abuse. Engaging in commercial sex acts, such as prostitution, renders them vulnerable to violence at the hands of pimps, purchasers, and other predators such as serial killers and rapists, as well as degradation resulting from commercial</p>	<p>(a)(2) The 2004 publication is entitled “The Link Between Prostitution and Sex Trafficking.” Unfortunately, the conclusions contained in the publication, which are restated in this finding, are based upon questionable research. The findings assert, as matters of proven fact, a number of statements, which, given the state of information on both trafficking and prostitution worldwide, are unsupported or unproven by valid research methods and data. We are deeply concerned that Congress might pass this legislation based on inaccuracies that do not reflect the true experience of trafficked persons in the United States.</p> <p>For example, this finding asserts that toleration of prostitution “nearly always” leads to an increase in trafficking into commercial sexual activities. According to this finding, the greatest concentration of trafficking into prostitution should be in the Nevada counties where prostitution is legalized. However, we are unaware of any disproportionate incidence of trafficking in those counties while trafficking into the sex sector is pervasive throughout the rest of country where prostitution is criminalized. Obviously, something other than legalization or criminalization is responsible for the presence of sex trafficking in the country.</p> <p>Lastly, people are trafficked into legal and illegal commercial sexual activities, as well as into other illegal and legal activities, such as begging, domestic work, agricultural work, factory work, etc. Consequently, prevention programs addressing the trafficking of people into all types of illegal and legal sectors should be a priority of the government’s anti-trafficking initiatives.</p>

sexual activities. Women and children are at a disproportionately higher risk for exploitation.

(5) Although current laws punish sex traffickers, exploiters, and purchasers of commercial sexual activities, these laws are typically enforced disproportionately against women and children, instead of against the sex traffickers, exploiters, and purchasers.

(6) According to recent studies —

(A) 11 females used in commercial sexual acts were arrested in Boston for every arrest of a male purchaser;

(B) 9 females used in commercial sexual acts were arrested in Chicago for every arrest of a male purchaser; and

(C) 6 females used in commercial sexual acts were arrested in New York City for every arrest of a male purchaser.

(7) Some studies reveal that commercial sex is a frequent gateway crime for women who later commit more serious criminal offenses. Over 70 percent of female inmates in United States prisons were first arrested for engaging in commercial sexual acts. For every 3 women in jails in the United States today, 1 was arrested for prostitution, and 7 of every 10 women imprisoned on felony convictions were initially arrested for prostitution.

(8) The emotional and physical ramifications of sex trafficking of children and women are staggering, leading to an increased risk of —

(A) sexual and physical assault;

(B) violence;

(C) suicide;

(D) pregnancy;

(E) abortion;

(F) sexually transmitted diseases, including AIDS;

(G) post-traumatic stress disorder; and

(H) death.

(9) Sex trafficking has a particularly devastating and alarming impact upon children. According to some estimates, between 100,000 to 300,000 children are victimized by sex trafficking at any given time. According to

(a)(5) In regard to trafficking, the 2003 Victims of Trafficking and Violence Protection Act is aggressively enforced against the traffickers and not against the victims, who are provided with support, services and often temporary residence status.

(a)(7) Based upon this finding that prostitution is a gateway offense for serious criminal offenses, it would follow that the primary focus of the resources and programs established by this bill should be on programs to divert vulnerable youth and adults away from the commercial sex industry and programs to help people transition out of the commercial sex industry. These programs would have the added benefit of preventing trafficking because vulnerable youth and young women are particularly susceptible to being trafficked within the US into the commercial sex industry.

(a)(9) “Sex trafficking” of children is defined differently in federal law than trafficking of adults. Sex trafficking of children covers all commercial sex acts, whether or not force, fraud or coercion is involved. Thus, the statistic of 100,000

the CyberTipline of the National Center for Missing and Exploited Children, reports of child sexual exploitation, including child pornography, child prostitution, online enticement of children, and child sex tourism, have increased 750 percent over the past 5 years.

(10) Runaway children are especially vulnerable to sex traffickers, who lure these children into devastating lives as victims of commercial sexual acts with promises of food, clothing, and shelter.

(11) According to the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice, in 2002 —

- (A) over 1,300,000 children were missing in the United States;
- (B) as many as 775,000 of these children are runaways; and
- (C) 76 percent of runaway children who call the National Runaway Switchboard are girls under the age of 18.

(12) The United Nations estimates that sex trafficking, including sex tourism, generates approximately \$5,000,000,000 a year in revenues. There are a number of United States-based companies that overtly and explicitly facilitate sex tours, often involving the sexual exploitation of children. According to some estimates, up to 1 /4 of international sex tourists are American.

(13) Under the Trafficking Victims Protection Act of 2000 (22 U.S.C.7101 et seq.), the United States is committed to ending the international trafficking of persons for slavery, including sex slavery. The achievement of significant progress in reducing sex trafficking within the United States will bolster United States efforts to eliminate international trafficking in persons for slavery, including sex slavery, around the world.

(14) Stronger enforcement of laws against sex traffickers, exploiters, and purchasers may dramatically reduce demand for commercial sexual acts and related sex trafficking and reduce the exploitation of persons engaged in commercial sexual activities.

(15) More services are needed for victims of commercial sexual activities to ensure that they are treated with dignity and respect and are able to access benefits and programs designed to help them escape the sex trade and

to 300,000 presumably refers to the number of children who are annually in the commercial sex sector. However, without a source for the statistics, it is not possible to know whether the reference is to the overall number of children in the sex sector or only the number of children trafficked with force, fraud or coercion. Aggressive expansion of prevention programs should lower the number of such vulnerable youth.

(a)(12) Given that the term ‘sex trafficking’ is used differently by different sources, it is unclear whether the UN figure covers (i) ‘trafficking’ as defined in the US law to include the use of force, fraud or coercion, or (ii) the entire sex sector, including all children in the sex sector and adults in legal and illegal commercial sexual activities. Thus, it would be helpful to cite the source for the UN figure.

(a)(14) The VTVPA already contains strong measures against trafficking into all sectors, including the sex sector. The real need is for more resources for trafficking investigators and prosecutors, as well as for service providers.

<p>regain their health and safety.</p> <p>(16) Additional research and statistics at the national, State, and local level will clarify the extent of commercial sexual activities within the United States, and the most effective strategies for combating such unlawful activities.</p> <p>(b) PURPOSES.—The purposes of this Act are —</p> <p>(1) to support the development of more effective means of combating commercial sexual activities by targeting demand;</p> <p>(2) to protect children from the predators and exploiters who use them in commercial sexual activities;</p> <p>(3) to clarify that the operation of sex tours is prohibited under Federal law; and</p> <p>(4) to assist State and local governments in their enforcement of existing laws dealing with commercial sexual activities.</p>	<p>(a)(16) Prevention is the most effective strategy to reduce the numbers of young people who enter the commercial sex sector and who are vulnerable to being trafficked. Thus, the ‘research and statistics’ could also be deployed to analyze programs that have been proven successful in diverting youth away from commercial sexual activities and in assisting persons in the sex sector to transition into education, jobs and safety.</p> <p>(b)(3) The bill does not contain any language relating to sex tours and so it would be useful to delete this sentence and instead discuss the issue raised throughout the bill, which is the situation of youth and adults who are vulnerable to entering the commercial sex sector and in need of support to leave the sex sector. Prevention and support are extremely important issues that need to be strengthened throughout the bill, which has an overemphasis on law enforcement as ‘the’ solution.</p>
<p>SEC. 3. DEFINITIONS.</p> <p>In this Act, the following definitions shall apply:</p> <p>(1) COMMERCIAL SEX ACT.—The term “commercial sex act ” means any sex act on account of which anything of value is given to, or received by, any person.</p> <p>(2) EXPLOITER.—The term “exploiter ” means any person who, for financial gain, procures, sells, or purveys a person for the purpose of engaging in an unlawful commercial sex act, including pimps, panderers, procurers, and brothel operators.</p> <p>(3) PURCHASER.—The term “purchaser ” means any person who solicits or purchases an unlawful commercial sex act.</p>	<p>(1) ‘Commercial sex activity’ is used throughout the bill and so is ‘commercial sex act.’ ‘Activity’ and ‘act’ are not the same and so, the bill should either define ‘activity’ or replace ‘activity’ with ‘act’ throughout.</p> <p>(2) An analysis of this definition and the definition of ‘sex trafficker’ reveals that the two terms are more or less the same. A ‘sex trafficker’ is anyone who makes any money from the ‘use’ of another person in the unlawful sex sector, whether or not trafficking is involved. An ‘exploiter’ is any person who, for financial gain, procures, sells, or purveys a person for the purpose of engaging in an unlawful commercial sex act, including pimps, panderers, procurers, and brothel operators. Having two similar terms is confusing and serves no apparent reason. This problem can be solved by retaining only the term ‘exploiter’ and revising it to</p>

(4) QUALIFIED NON-GOVERNMENTAL ORGANIZATION.—The term “qualified non-governmental organization ” means any organization that the Attorney General, the Assistant Secretary for Children and Families of the Department of Health and Human Services, or the chief law enforcement officer of a State or political subdivision of a State determines is engaged or plans to engage in efforts to protect and rehabilitate persons engaged in commercial sexual activities on a not-for-profit basis.

include 'recruits, harbors, etc.,' which is in the portion of the definition of 'sex trafficker' that is missing from the definition of 'exploiter.'

(4) We do not believe Congress is best qualified to predetermine which criteria are the best for selecting non-governmental organizations. Our preference would be to delete this provision altogether and allow the professionally staffed federal agencies responsible for awarding grants and contracts to use their expertise in evaluating proposals from all sources rather than restricting grants to a few preferred groups.

Furthermore, the language is quite vague and does not appear to ensure the selection of the best qualified organizations to receive government funding to conduct programs. The definition of 'qualified' NGOs leaves wide room for abuse of discretion and discrimination against groups on grounds unrelated to their actual expertise or ability to implement the grant or contract. For example, the phrase "is engaged in or plans to engage" would allow any organization that plans to work on the issue to apply for funding, despite lack of experience or any objective method for assessment of abilities.

However, if the provision remains in the bill, at a minimum, the section should require a 'demonstrated capability as determined by objective criteria.' It should also be strengthened to include to allow NGOs to apply for 'qualified' status in order to ensure a wide range of potential grantees.

Next, the meaning of "protect and rehabilitate" is also a concern. We believe it is the responsibility of government, not NGOs, to protect trafficking victims and other victims from harm. It is unclear what activities NGOs would be able to effectively and legally carry out to 'protect' victims.

Also, the term 'rehabilitate' is typically used only for persons such as convicts and drug addicts. It is stigmatizing and not appropriate with reference to women, men and children in the sex sector.

Regarding the services to be provided by the NGOs, more comprehensive language is contained in section 4(b)(3)(A), which refers to 'protection, education, food and shelter'. In addition, other important services that should be provided are legal and psychological counseling, medical and dental services and legal services.

(5) SEX TRAFFICKER.—The term “sex trafficker” means any person who, for financial gain, recruits, harbors, transports, provides, or obtains a person for the purpose of using them for unlawful commercial sex acts.

(6) VICTIM OF A COMMERCIAL SEX ACT.—The term “victim of a commercial sex act” means any person offered for use in a commercial sexual act.

Lastly, the intent of the phrase ‘persons engaged in commercial sexual activities [undefined]’ is unclear because it could include ‘exploiters’ and purchasers. Will NGOs be expected to use appropriated funds to develop programs for exploiters and purchasers as well?

(5) As stated above, this term should be dropped because it overlaps with the term ‘exploiter.’ This term also is problematic because it is inconsistent with the VTVPA, which defines ‘sex trafficking,’ as ‘recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.’ This bill adds ‘for financial gain’ and ‘using them for unlawful’. In the VTVPA, ‘sex trafficking’ is never used by itself; it is only used in combination with the terms ‘force, fraud or coercion’ or in connection with sex trafficking of children, when force, fraud or coercion are not required. Thus, in the VTVPA, the term ‘sex trafficking’ is not used by itself with respect to adults.

The proposed definition, however, would apply to all adults and children, whether or not the adults are engaging in unlawful commercial sex acts voluntarily or not. Thus, if this term remains in the bill, language should be added to ensure that application of this new definition is limited to the bill and does not modify the VTVPA. Otherwise, it could be interpreted to mean that all persons engaging in ‘unlawful commercial sex acts’ are trafficking victims under the VTVPA and are eligible for T non-immigrant status and federally funded benefits intended for trafficking victims.

The best possible solution to this problem would be simply to delete the term ‘sex trafficker’ from the bill.

(6) According to this definition, all persons engaged in any legal or illegal “commercial sexual acts” are victims as long as they are working with someone else who ‘offers’ them. Thus, women in lawful Nevada brothels are victims, as are women in lawful pornography, strip clubs, etc. They will qualify for assistance under the bill.

Also, this definition, like the definition of ‘sex trafficker’, focuses on the presumed victim status of a person and the actions of third parties. A ‘sex trafficker’ “uses” another person and a ‘victim’ is “offered for use” by someone else. As it is not possible to be a victim of oneself, anyone who is working alone is not a victim because she is not being “used” or “offered” according to these two definitions. Therefore, someone working alone as a sex worker would not be

	<p>a victim and would not, for example, be eligible for the social services offered by this bill. However, someone working for someone else would be considered a ‘victim’ and would be eligible for benefits under the bill.</p> <p>Furthermore, the bill assumes that all adults involved in “commercial sexual acts” are harmed and so no ‘victim’ will have to prove any harm was caused them by the third party who may be prosecuted for violating a relatively minor offense that does not necessarily involve victimization. A law that punishes a person for violating a prohibition (such as pimping laws) is different from a law that punishes a person for harming another person (such as trafficking or sexual assault laws).</p>
<p>SEC. 4. PROSECUTION OF PURCHASERS, SEX TRAFFICKERS, AND EXPLOITERS.</p> <p>(a) GRANTS AUTHORIZED.—The Attorney General may award grants to States and their political subdivisions to establish model law enforcement programs that promote the effective prosecution of purchasers, exploiters, and sex traffickers and to assist victims of a commercial sex act.</p> <p>(b) USE OF GRANT FUNDS.—Funds received from a grant awarded under this Act may be used by the grantee, either directly or through subgrants to local law enforcement entities or qualified non-governmental organizations, for the following purposes:</p> <p>(1) PURCHASERS.—The prosecution and deterrence of purchasers, through —</p> <p>(A) prosecutions of purchasers for statutory rape, sexual assault, felony assault, and related offenses;</p> <p>(B) educational programs for first-time purchasers explaining the</p>	<p>(a) Grants under this section will assist ‘victims of a commercial sex act’, which, as stated above, includes women working in a lawful or unlawful brothel, strip club or porn industry will be able to access services.</p> <p>(b) As stated previously, it would be preferable to allow agencies to select grantees from among the best applications submitted.</p> <p>Also, we are concerned that funds could be awarded to NGOs to engage in law enforcement activities. The majority of the activities being funded by this section should be carried out by law enforcement and not private citizens. The only section that non-governmental organizations are qualified to work in is 4(b)(1)(B).</p> <p>(b)(1) (A) Grants under this section will go to states to assist in prosecutions of purchasers of ‘unlawful commercial sex acts’ for various crimes. However, no funding will be available for prosecuting ‘purchasers’ who commit those same crimes against people selling <i>lawful</i> commercial sex acts. Does the bill intend to differentiate between different classes of victims, based upon whether they were engaging in an unlawful or lawful commercial sex act?</p> <p>Also, NGOs should not be involved in prosecutions. They could provide services and support but have no role in ‘prosecutions.’</p> <p>(b)(1)(B) This provision requires grantees to explain the ‘devastation caused by</p>

<p>devastation caused by such offenses;</p> <p>(C) the publication of names and addresses of repeat purchasers;</p> <p>(D) the use of decoys; and</p> <p>(E) other programs the Attorney General determines will enhance the prosecution of purchasers and reduce the demand for unlawful commercial sexual activities.</p> <p>(2) SEX TRAFFICKERS AND EXPLOITERS.—The prosecution of sex traffickers and exploiters, through —</p> <p>(A) surveillance of places of business engaged in commercial sexual activities;</p> <p>(B) prosecutions of exploiters and sex traffickers for statutory rape, sexual assault, felony assault, and related offenses;</p> <p>(C) tax evasion prosecutions against exploiters and sex traffickers; and</p> <p>(D) proceedings under restitution laws to supplement public financing of shelters and social services and to compensate victims of domestic sex trafficking.</p> <p>(3) QUALIFIED NON-GOVERNMENTAL ORGANIZATIONS.—</p> <p>(A) IN GENERAL.—To assist social service programs operated by</p>	<p>such offenses', i.e., “statutory rape, sexual assault, felony assault and related offenses.” Persons who commit such violent offenses must certainly be aware and have been reminded at trial and sentencing of the 'devastation' they caused.</p> <p>(b)(1)(D) Under this provision, decoys can be used to entrap sex workers, clients or others. Is this the intent? Additionally, NGOs should not be funded to engage in decoy activities.</p> <p>(b)(1)(E) Presumably the goal of the bill is to reduce the numbers of adults who are selling ‘commercial sex acts’, the number of children who are involved in the sex sector and the number of people trafficked into the sex sector. While prosecutions may have some short-term impact, a better use of funds would be to support programs for all persons who may be vulnerable to entering the sex sector and transition programs for persons leaving the sex sector.</p> <p>(b)(2)(A) Federal grants will be given out to monitor places where 'commercial sexual activities [undefined]' are being conducted. Since the word ‘unlawful’ does not precede ‘commercial sexual activities, this means that funding can be used to monitor the activities of lawful and unlawful ‘places of business engaged in commercial sexual activities'. Is this the intention of the bill?</p> <p>Also, NGOs should not be funded to engage in surveillance.</p> <p>(b)(2)(B) According to this provision, funding will be provided only for prosecuting persons who commit crimes against persons engaged in unlawful commercial sexual acts. Is there any reason for not funding prosecutions of persons who commit the same crimes against persons engaged in lawful commercial sexual activities?</p> <p>(b)(2)(D) The phrase ‘to compensate victims of domestic sex trafficking’ is unclear because the term ‘domestic sex trafficking is not defined anywhere in the bill. Does ‘domestic’ have any meaning? Can non US national victims who are trafficked or involved in commercial sex acts in the United States benefit from this provision? It is worth noting that the definition for 'victim of a commercial sex act' covers everyone while this section could unfortunately be interpreted to restrict the scope of coverage.</p> <p>(b)(3)(A) Funding will be awarded to NGOs working with 'victims of commercial</p>
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qualified non-governmental organizations with special expertise in assisting victims of commercial sexual activities and whose programs offer protection, education, food, and shelter for victims of commercial sexual activities.

(B) SPECIAL CONSIDERATION.—In awarding grants under this paragraph, the Attorney General shall give special consideration to programs operated by qualified non-governmental organizations that offer assistance to persons involved in the prosecution of sex traffickers, exploiters, and purchasers.

(c) REPORTS BY GRANTEES.—

(1) IN GENERAL.—Not later than 90 days after the end of the period for which a grant was made under this section, each grantee shall submit a report to the Attorney General.

(2) CONTENTS.—The report submitted under paragraph (1) shall —

- (A) identify and describe the activities carried out with grant funds received under this section; and
- (B) include an evaluation by the grantee of the effect of those activities.

(3) SUPPLEMENTAL REPORTS.—The Attorney General may require additional reports at such times as may be necessary to effectively facilitate

sexual activities' but, as mentioned previously, 'activities' is undefined. Are 'victims of commercial sexual activities' different from 'victims of a commercial sex act' or 'victims of domestic sex trafficking?' Does this cover everyone in the sex sector who is not a purchaser, exploiter or sex trafficker? If yes, then the funding will support services, at a minimum, for persons who are working in the unlawful commercial sex sector and perhaps even in the lawful sector. Depending upon how it is defined, it could also cover all persons working on their own.

Also, the 'and' in the list of program services the recipient must provide should be replaced with an 'or'. Many excellent NGOs do not provide all of these services; for example, very few offer shelter. Also, since drug addiction is very high among people in the sex sector, it would also be helpful to include drug rehab programs. Other important programs that could be included are legal and psychological counseling, medical and dental services and legal services.

Lastly, although state and local agencies provide many services, the bill does not provide any money for state or local government agencies.

(b)(3)(B) This provision could be harmful to clients and limit prosecutions. If a client of an NGO is not willing to provide assistance to law enforcement for whatever reason, then this provision would appear to penalize NGOs that do not try to force their clients to assist law enforcement. Ultimately, if this provision is actively enforced, many victims will be unable to access any services because NGOs will have to limit their client base only to persons who agree quickly to work with law enforcement. Our experience in working with trafficked persons has shown that many clients initially refuse to cooperate but, once they have stabilized their lives, are quite willing to cooperate. The victims would be punished by this provision and left without support.

(c)(2) Grants should be subjected to an extensive and transparent review process to ensure that public funds are being spent appropriately and achieving the goals of the bill. However, the report criteria in this provision are extremely limited and inadequate to the task. Grantees must be held accountable for their use of public funds and must be held to the high standard of 'do no harm.' A self-evaluation by the grantee on the 'effect' of its activities can be extremely subjective unless it is supported by some objective research and analysis. This section should be amended to ensure such an objective, impartial review.

<p>the reporting and dissemination requirements under section 7(a).</p> <p>(4) DISSEMINATION.—The Attorney General shall ensure that each report submitted under this subsection is posted to the Department of Justice website.</p> <p>(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of the fiscal years 2005 through 2007 —</p> <p>(1) \$15,000,000 for grants to carry out the activities described in subsection (b)(1);</p> <p>(2) \$15,000,000 for grants to carry out the activities described in subsection (b)(2); and</p> <p>(3) \$15,000,000 for grants to carry out the activities described in subsection (b)(3).</p>	<p>(d) This section focuses resources on law enforcement by a margin of 2 to 1 over services and support for victims. If the goal of the bill is to assist people who are trafficked or otherwise in the sex sector, then the resources should be focused on services and support.</p>
<p>SEC. 5. STRENGTHENING PROSECUTION AND PUNISHMENT OF SEX TRAFFICKERS AND PURCHASERS AND EXPLOITERS.</p> <p>(a) TRANSPORTATION.—Section 2421 of title 18, United States Code, is amended by inserting after “any individual ” the following: “,including a purchaser of commercial sexual activities as defined by section 2422,”.</p> <p>(b) COERCION AND ENTICEMENT.—Section 2422 of title 18,United States Code, is amended —</p> <p>(1)in subsection (a),by inserting after “any individual ” the following: “,including a purchaser of commercial sexual acts,”; and</p> <p>(2)by adding at the end the following: “(c)As used in sections 2421 and 2422,the term ‘purchaser of commercial sexual acts ’ means any person who solicits or purchases a sex act in exchange for anything of value given to or received by, or to be given to or received by, any person.”.</p>	
<p>SEC. 6. SENIOR OPERATING GROUP PARTICIPATION.</p> <p>Federal agencies involved in combating sex trafficking and providing services to victims of commercial sex acts inside the United States shall coordinate their activities with the Senior Policy Operating Group established by section 105 of the Victims of Trafficking and Violence Protection Act of</p>	

<p>2000 (22 U.S.C.7103), under the procedures established by the Senior Policy Operating Group, to ensure that Federal programs are consistent with Federal enforcement of the Trafficking Victims Protection Act of 2000 (22 U.S.C.7101 et seq.).</p>	
<p>SEC. 7. REPORTS.</p> <p>(a) ANNUAL REPORT ON BEST PRACTICES TO REDUCE DEMAND FOR COMMERCIAL SEX ACTS.—</p> <p>(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit a full and detailed report of the implementation of this Act to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.</p> <p>(2) CONTENTS.—The report submitted under paragraph (1) shall include —</p> <p>(A) a detailed explanation of the standards by which the Attorney General has — (i) awarded grants to States and their political subdivisions under section 4; and (ii) evaluated the success of grant awards in enhancing the prosecution and conviction of purchasers, sex traffickers, and exploiters, and in reducing demand for commercial sexual activity; and</p> <p>(B) a detailed description of the implementation of the amendments under section 5, including the number of arrests, prosecutions, and convictions.</p> <p>(3) ANNUAL CONFERENCES.—</p> <p>(A) IN GENERAL.—The Attorney General, at each annual conference conducted by the Department of Justice, shall —</p> <p>(i) announce and evaluate the findings contained in the report submitted under paragraph (1); and (ii) disseminate best methods and practices for training State and local law enforcement personnel involved in enforcing laws prohibiting commercial sexual acts.</p> <p>(B) PARTICIPATION.—Each annual conference under this paragraph</p>	<p>(a)(2) The emphasis of the annual report on quantifying prosecutions and convictions rather than on quantifying the impact the program has for the individuals defined as ‘victims’ in the bill is unfortunate. Numbers of convictions does not tell us anything about the ability of the funding to impact the lives of people who are affected by participation in the sex sector. The real success of the program should be measured by the degree to which the services and support provided has had an impact on the lives of ‘victims.’ If convictions are plentiful but little has changed for the individuals intended to be helped by the bill, then the bill will justifiably be considered a failure.</p> <p>The Attorney General should also be required to report on the numbers of adults and children who have been assisted by the law, the number of those who are now out of the sex sector and the number of those who have avoided entering into the sex sector. These are the markers of real success.</p> <p>(a)(3) The purpose and benefit of holding annual conferences is unclear. It would require the government to spend valuable and scarce federal dollars for an annual conference when reports and trainings would be more beneficial to more officials and NGOs.</p> <p>Also, the bill appears to limit, prematurely, the types of organizations and individuals who are able to participate. If the bill must contain a requirement to hold conferences, then it should leave it open to the Department of Justice to convene them in the most open and transparent manner possible. For example,</p>

<p>shall involve the full participation of leading experts in the field, including —</p> <ul style="list-style-type: none"> (i) local law enforcement and prosecutorial officials; (ii) appropriate State officials; (iii) academic experts on commercial sexual activity; (iv) appropriate medical personnel; and (v) representatives of qualified non-governmental organizations. <p>(b) COMPREHENSIVE STATISTICAL REVIEW OF COMMERCIAL SEXUAL ACTS.—</p> <p>(1) IN GENERAL.—The Attorney General shall carry out a biennial comprehensive statistical review and analysis of commercial sexual acts in the United States.</p> <p>(2) CONTENTS.—The statistical review and analysis under this subsection shall include —</p> <ul style="list-style-type: none"> (A) the estimated number of persons used in commercial sexual acts; (B) the estimated number of sex traffickers, exploiters, and purchasers; (C) the ethnicity, age, and sex of victims of commercial sexual acts; 	<p>the bill only allows one category of researchers - academic experts - to attend. However, many excellent researchers are in think tanks and other types of settings. They should not be arbitrarily prevented from sharing their knowledge at an experts' conference.</p> <p>Additionally, the bill limits NGO participation to 'qualified' NGOs' despite the fact that NGOs with valuable expertise may not be direct service providers and therefore could not be 'qualified NGOs' under the bill. It would be preferable for this provision to simply allow 'leading experts' from NGOs, academic institutions, think tanks, private consultants, or whatever sector without the limitations imposed by the bill.</p> <p>(b) The Attorney General will find it extremely difficult to compile the requested data and will end up with guesswork because commercial sex is illegal throughout the country except for 10 of 17 counties in Nevada. While statistics will probably be available for those 10 counties, how will the Attorney General gather data about personal activities between two adults in private in the rest of the country? How can anyone collect data about the sex, age, etc., of people who are engaging in criminal acts and avoid all contact with law enforcement? Are there even adequate resources to fund on-the-ground field research to compile this data? Even if such resources were available, would this be the best expenditure of those resources?</p> <p>The objective of the data collection is unstated and so it is not possible to consider other, more realistic means to achieve that objective. However, as we point out elsewhere, if the objective of the bill is to assist persons identified as 'victims', then perhaps, instead of funding research on impossible data, the resources could be used to assist more of these 'victims.'</p> <p>(b)(1) According to this provision, the Attorney General will be required to carry out a review and analysis of <i>all</i> lawful and unlawful "commercial sexual acts in the United States." Given that legislation concerning such acts is within the jurisdiction of state and local governments, is it wise for Congress to deploy limited federal resources for such an extensive review?</p> <p>In Section 2(a)(16), we recommend research addressing the characteristics that render certain people vulnerable to entering into the commercial sex sector and the needs of people who want to leave the commercial sex section. We believe it would be extremely important to include a provision in this section for research</p>
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- (D) the ethnicity and sex of sex traffickers, purchasers, and exploiters;
- (E) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in unlawful commercial sexual activities by acts by States and their political subdivisions;
- (F) the number of investigations, arrests, prosecutions, and incarcerations of sex traffickers, exploiters, or purchasers; and
- (G) the differences in the enforcement of laws relating to unlawful commercial sexual activities by similarly situated jurisdictions.

(3) SOLICITATION OF VIEWS.—In conducting the statistical review and analysis under this subsection, the Attorney General shall solicit views from —

- (A) Federal and State prosecutorial officials;
- (B) Federal, State, county, and municipal law enforcement officials;
- (C) persons used in commercial sexual activities;
- (D) academic experts on commercial sexual activity; and
- (E) other experts in the area of commercial sexual acts.

(4) DEADLINES.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall submit a report regarding the results of the statistical review and analysis under this section to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated —

- (1) \$1,000,000 for each of the fiscal years 2005 through 2007 to carry out subsection (a); and
- (2) \$1,000,000 for each of the fiscal years 2005 and 2007 to carry out subsection (b).

on these crucial issues. The results of the research should provide a sound basis for understanding the situation of the persons directly affected.