

## I. TRAFFICKING VICTIMS AND PROTECTION ACT OF 2000

Title 22 U.S.C. Ch. 78 Section 7101; Title 22 U.S.C. Ch. 78 Section 7103

TVPA was passed in 2000. TVPA was sponsored by Representative Christopher Smith of New Jersey and co-sponsored by a bipartisan group of 37 members in the U.S. House. The act passed the Senate unanimously. TVPA lapsed in 2011; however, Congress included TVPA in an Amendment to the Violence Against Women Act in 2013. The act was renewed in 2017.

Human trafficking is considered modern-day slavery. Congress found that, as of 2000, 50,000 victims of human trafficking, primarily women and children, enter the U.S. annually and that an additional 700,000 people internationally are victims of human trafficking. Victims of human trafficking are frequently forced into the sex trade or manual labor either through force, fraud, or coercion. Increasingly, perpetrators of human trafficking are organized criminal enterprises, and the acts themselves often include aspects of rape, kidnapping, false imprisonment, fraud, battery, and extortion. Human trafficking also produces health risks for the victims, primarily STDs. Because Human trafficking significantly impacts interstate labor markets, Congress believed it had authority to act. Congress found that the laws of the U.S., as well as other countries, were inadequate to deter human trafficking.

The act authorized the President to create an Interagency Task Force to monitor and combat human trafficking and authorize the Secretary of State to cooperate with foreign countries. The President also has the authority to create and establish international economic initiatives to enhance economic opportunity for the victims of trafficking as a means to deter trafficking. The act also authorizes a Survivors of Human Trafficking advising council, which shall submit reports to select committees of the House and the Senate.

### CRIMES

*The crimes listed below came about through the TVPA.*

*Enticement into Slavery: Title 18 U.S.C. Ch. 77 Section 1583*

*Section 1583 makes it unlawful for anyone to kidnap, coerce, or persuade another into slavery or for anyone to obstruct or prevent the enforcement of the law. A conviction of this section is punishable by a fine, any term of years, or life in prison.*

*Involuntary Servitude: Title 18 U.S.C. Section 1584*

*Section 1584 of Title 18 makes it unlawful to hold a person in a condition of slavery, that is, a condition of compulsory service or labor against his/her will. A Section 1584 conviction requires that the victim be held against his/her will by actual force, threats of force, or threats of legal coercion. Section 1584 also prohibits compelling a person to work against his/her will by creating a "climate of fear" through the use of force, the threat of force, or the threat of legal coercion [i.e., If you don't work, I'll call the immigration officials.] which is sufficient to compel*

service against a person's will. [This summary is provided by the Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Forced Labor: Title 18 U.S.C. Section 1589*

Section 1589 of Title 18, which was passed as part of the TVPA, makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means. Congress enacted section 1589 in response to the Supreme Court's decision in *United States v. Kozminski*, 487 U.S. 931 (1988), which interpreted § 1584 to require the use or threatened use of physical or legal coercion. Section 1589 broadens the definition of the kinds of coercion that might result in forced labor.

Section 1589 covers any person who knowingly obtains the labor or services of a person by:

1. Force, threats of force, physical restraint, or threats of physical restraint, serious harm or threats of serious harm,
2. Abuse or threats of abuse of law or legal process,
3. Any plan intended to cause the person to believe that they or another would suffer serious harm or physical restraint, and
4. Knowingly benefits financially or otherwise from participation in a venture which has engaged in obtaining forced labor.

A violation of 1589 is punishable by up to 20 years in prison; but if death results from the violation, or the violation includes kidnapping, aggravated sexual abuse, or an attempt to kill, a violation is punishable by any term of years of life. [This summary is provided by the Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor: Title 18 U.S.C. Section 1590*

Section 1590 makes it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions that violate any of the offenses contained in Chapter 77 of Title 18. Violations may be punished by up to 20 years in prison. However, if death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both. Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the same penalties. [This summary is provided by the Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Sex Trafficking of Children or by Force, Fraud, or Coercion: Title 18 U.S.C. Section 1591*

Section 1591 criminalizes sex trafficking, which is defined as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons

under the age of 18. The punishment for conduct that either involves a victim who is under the age of 14 or involves force, fraud, or coercion is any term of years or life. The punishment for conduct that involves a victim between the ages of 14 and 18 is 40 years.

“Coercion” means “threats of serious harm to or physical restraint against any person;” “any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.”

“Serious Harm” means any harm that is sufficiently serious to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm. [This summary is provided by the Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor: Title 18 U.S.C. Section 1592*  
Section 1592 makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims are often immobilized by the withholding of whatever documents they possess, even if the documents are forged or fraudulent. Section 1592 expands the scope of federal trafficking statutes to reach those who prey on the vulnerabilities of immigrant victims by controlling their papers.

Any person who knowingly destroys, permanently alters, or withholds an existing document, with the purpose of trafficking children or to unlawfully restrict a person’s right to travel, in order to retain the person’s services, will serve a minimum sentence of 5 years in prison. [This summary provided by Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Benefitting Financially from Peonage, Slavery, and Trafficking Persons: Title 18 U.S.C. Section 1593A*

Any person who benefits financially from human trafficking or receives anything from any such venture will be treated as a completed violation of human trafficking.

*Attempt to Commit and Conspiracy to Commit Child Sex Trafficking: Title 18 U.S.C. Section 1594*

Any person who attempts or conspires to commit Child Sex Trafficking will be sentenced to any term or life sentence and will face criminal asset forfeiture.

*Extraterritoriality: Title 18 U.S.C. Section 1596*

Federal prosecutors can investigate and prosecute foreign nationals who commit sex trafficking crimes against children outside the U.S. Section 1596 also allows the federal government to investigate and prosecute U.S. nationals and residents who commit child sex trafficking crimes in foreign countries. However, no jurisdiction exists if another government has or is currently prosecuting the offender for child sex trafficking. [This summary provided by the Criminal Rights

Division of the Department of Justice. See at <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-extraterritorial-sexual-exploitation-children.>]

#### Victim Remedies: Civil Remedies and Injunctions

Restitution: Any person convicted of Child Sex or Labor Trafficking under sections 1581-1597 must pay the victim the full amount of the victim's losses for their services to the trafficker. Title 18 U.S.C. Section 1593

Civil Remedy: Statute of Limitations for Civil actions resulting from Child Sex or Labor Trafficking is 10 years and may start after the conclusion of any criminal action. Title 18 U.S.C. Section 1595

Civil Injunctions: A State's AG may bring a civil action to enjoin actions that are engaging or about to engaging in Child Sex Trafficking. Title 18 U.S.C. Section 1595A

## **II. SEXUAL ABUSE ACT OF 1986**

The Sexual Abuse Act of 1986 was sponsored by then-Representative John Conyers Jr. of Michigan and cosponsored by a bipartisan group of 13 members in the U.S. House. The act added a new chapter in Title 18 containing several new sex crimes, among which included Aggravated Sexual Abuse, Abusive Sexual Contact, and Sexual Abuse of a Minor or Ward of the State.

### **CRIMES**

*The crimes listed below came about as a result of the Sexual Abuse Act of 1986.*

#### Aggravated Sexual Abuse: Title 18 U.S.C. Ch. 109A Section 2241

Section 2241(a) prohibits knowingly causing another person to engage in a sexual act by using force against that person or by threatening or placing that person in fear that any person will be subjected to death, serious bodily injury, or kidnapping. Subsection (a) includes attempt, and has no statutory minimum penalty and a maximum penalty of life.

Section 2241(b) prohibits knowingly rendering another person unconscious and engaging in a sexual act with that person or administering to another person a drug or intoxicant by force or threat of force or without knowledge or permission of that person and substantially impairing the ability of that person to appraise or control conduct and engaging in a sexual act with that person. Subsection (b) includes attempt, and has no statutory minimum penalty and a maximum penalty of life.

Section 2241(c) prohibits crossing state lines with the intent to engage in a sexual act with a person under the age of 12 years; knowingly engaging in a sexual act with a person under the age of 12 years; or knowingly engaging in a sexual act under circumstances described in subsections (a) or (b) with a person who is at least 12 years old and is not yet 16, and who is at least four years younger than the person engaging in the act. Pursuant to section 2241(d), the government does not have to prove that the defendant knew the other person engaging in the

sexual act was under 12 years old. Subsection (c) includes attempt, and has a statutory minimum penalty of 30 years in prison and a maximum penalty of life. If the defendant was previously convicted of an offense under subsection (c) or an analogous state offense, there is a statutory minimum penalty of life in prison. [This summary is provided by the 2018 Primer on Sex Offenses, prepared by the Office of General Counsel and U.S. Sentencing Commission. See [https://www.ussc.gov/sites/default/files/pdf/training/primers/2018 Primer Sex Offenses Register.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2018%20Primer%20Sex%20Offenses%20Register.pdf).]

*Sexual Abuse: Title 18 U.S.C. Ch. 109A Section 2242*

Section 2242 prohibits knowingly causing another person to engage in a sexual act by threatening or placing that person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or engaging in a sexual act with another person if that person is not capable of appraising the nature of the conduct or is physically incapable of declining. Any violation or attempted violation may be sentenced to any length prison term, including life. [This summary is provided by the 2018 Primer on Sex Offenses, prepared by the Office of General Counsel and U.S. Sentencing Commission. See at [https://www.ussc.gov/sites/default/files/pdf/training/primers/2018 Primer Sex Offenses Register.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2018%20Primer%20Sex%20Offenses%20Register.pdf).]

*Sexual Abuse of a Minor, a Ward, or an Individual in Federal Custody: Title 18 U.S.C. Ch. 109A Section 2243*

Section 2243(a) prohibits knowingly engaging in a sexual act with another person who has attained 12 years but not 16 years and is at least 4 years younger than the person so engaging. Section 2243(a) includes attempt, and has a statutory maximum penalty of 15 years in prison.

Section 2243(b) prohibits knowingly engaging in a sexual act with another person in official detention and under the custodial, supervisory, or disciplinary authority of the person so engaging. Section 2243(b) includes attempt, and has a statutory maximum penalty of 15 years in prison.

Under section 2243(c)(1), it is a defense that the defendant reasonably believed that the other person had reached age 16. Under section 2243(c)(2), it is a defense that the persons engaging in the sexual act were at that time married to each other. Under § 2243(d), however, the government does not have to prove that the defendant knew the age of the other person engaging in the act. [This summary is provided by the 2018 Primer on Sex Offenses, prepared by the Office of General Counsel and U.S. Sentencing Commission. See at [https://www.ussc.gov/sites/default/files/pdf/training/primers/2018 Primer Sex Offenses Register.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2018%20Primer%20Sex%20Offenses%20Register.pdf).]

*Abusive Sexual Contact: Title 18 U.S.C. Ch. 109A Section 2244*

Section 2244(a) prohibits knowingly engaging in or causing sexual contact with or by another person if doing so would violate 18 U.S.C. sections 2241, 2242, or 2243, had the sexual contact been a sexual act. If the contact would have violated sections 2241(a) or (b), there is a statutory

maximum penalty of ten years in prison. If the contact would have violated section 2241(c), there is a statutory maximum penalty of life in prison. If the contact would have violated section 2242, there is a statutory maximum penalty of three years in prison. If the contact would have violated sections 2243(a) or (b), there is a statutory maximum penalty of two years in prison.

Section 2244(b) prohibits knowingly engaging in sexual contact with another person without that other person's permission. This subsection has a statutory maximum of two years in prison.

Subsection 2244(c) doubles the statutory maximum in cases that otherwise violate this section (except section 2244(a)(5) which relates to contact that would have violated section 2241(c)) and involve an individual who is younger than 12 years old. Section 2244 does not include attempts.

### Punishments

Any person who violates 2241-43 are subject to the following sentences:

1. 10 years or less if in violation of subsection (a) or (b) of section 2241
2. 3 years or less if in violation of section 2242
3. 2 years or less if in violation of subsection (a) of section 2243
4. 2 years or less if in violation of subsection (b) of section 2243
5. Any term of years or life in prison if in violation of subsection (c) of section 2241
6. 2 years or less if in violation of subsection (c) of section 2243

[This summary is provided by the 2018 Primer on Sex Offenses, prepared by the Office of General Counsel and U.S. Sentencing Commission. See at [https://www.uscc.gov/sites/default/files/pdf/training/primers/2018\\_Primer\\_Sex\\_Offenses\\_Register.pdf](https://www.uscc.gov/sites/default/files/pdf/training/primers/2018_Primer_Sex_Offenses_Register.pdf).]

### *Offenses Resulting in Death: Title 18 U.S.C. Ch. 109A Section 2245*

Anyone who murders an individual while in the course of committing any of the offenses listed above should be sentenced to death or to any term of years or for life. [This summary is provided by the 2018 Primer on Sex Offenses, prepared by the Office of General Counsel and U.S. Sentencing Commission.

[https://www.uscc.gov/sites/default/files/pdf/training/primers/2018\\_Primer\\_Sex\\_Offenses\\_Register.pdf](https://www.uscc.gov/sites/default/files/pdf/training/primers/2018_Primer_Sex_Offenses_Register.pdf).]

### *Crimes of Repeat Offenders: Title 18 U.S.C. Ch. 109A Section 2247*

The sentence of any repeat offenders shall be double whatever the statute provides. See at [https://www.uscc.gov/sites/default/files/pdf/training/primers/2018\\_Primer\\_Sex\\_Offenses\\_Register.pdf](https://www.uscc.gov/sites/default/files/pdf/training/primers/2018_Primer_Sex_Offenses_Register.pdf)

### **III. OTHER ACTS: PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION ACT OF 1977, ANTI-DRUG ABUSE ACT OF 1988, CRIME CONTROL ACT OF 1990**

#### **CRIMES**

*The crimes listed below came about as a result of the laws identified above.*

#### *Sexual Exploitation of Children: Title 18 U.S.C. Ch. 110 Section 2251*

Section 2251 makes it illegal to persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for purposes of producing visual depictions of that conduct. Any individual who attempts or conspires to commit a child pornography offense is also subject to prosecution under federal law.

Any person who engages in any part of the business of child pornography, including advertisers, may be imprisoned for at least 15 years and a maximum of 30 years. If one has a prior conviction related to sexual abuse or exploitation, they may be imprisoned for at least 25 and a maximum of 50 years. If there are two (2) or more convictions, the individual may be imprisoned for at least 30 years and a maximum of life. [This summary is provided by the Criminal Division of the Department of the Justice. See at [https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography.](https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography)]

#### *Selling or Buying of Children: Title 18 U.S.C. Ch. 110 Section 2251A*

Section 2251A specifically prohibits any parent, legal guardian or other person in custody or control of a minor, to buy, sell, or transfer custody of that minor for purposes of producing child pornography. Any person in violation will be fined and imprisoned up to 30 years or for life. [This summary is provided by the Criminal Division of the Department of the Justice. See at [https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography.](https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography)]

#### *Certain Activities Relating to Material Involving the Sexual Exploitation of Minors: Title 18 U.S.C. Ch. 110 Section 2252*

Any person who transports or receives any visual depiction of minors engaging in sexually explicit conduct that affects interstate or foreign commerce, shall be imprisoned between 5 and 20 years if no prior convictions. If a prior sex-related criminal conviction, the individual will be imprisoned between 15 and 40 years. [This summary is provided by the Criminal Division of the Department of the Justice. See at [https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography.](https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography)]

#### *Certain Activities Relating to Material Constituting or Containing Child Pornography: Title 18 U.S.C. Ch. 110 Section 2252A*

Any person who transports or receives anything that constitutes or contains child pornography of minors engaging in sexually explicit conduct that affects interstate or foreign commerce, shall be imprisoned between 5 and 20 years if no prior convictions. If a prior sex-related criminal conviction, the individual will be imprisoned between 15 and 40 years. [This summary is

provided by the Criminal Division of the Department of the Justice. See at <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography.>]

*Failure to Report Child Abuse: Title 18 U.S.C. Ch. 110 Section 2258*

The statute requires that Certain Professionals and individuals must report cases of child abuse to a designated federal agency. Any person who fails to report in a timely manner an incident of child abuse occurring on land under federal jurisdiction may be fined or imprisoned for no more than 1 year.

*Production of Sexually Explicit Depictions of a Minor for Importation into the U.S.: Title 18 U.S.C. Ch. 110 Section 2260*

Any person who is outside the U.S. employs or otherwise use a minor to depict sexually explicit conduct for transmission of live video into areas that are subject to U.S. jurisdiction. [This summary is provided by the Criminal Division of the Department of the Justice. See at <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography.>]

*Transportation with Intent to Engage in Prostitution: Title 18 U.S.C. Ch. 117 Section 2421*

Transportation or attempted transportation of a person in interstate or foreign commerce, with intent that the person engages in prostitution or other sexual activity for which any person can be charged with a crime, is punishable by a fine or up to ten years' imprisonment or both. [This summary is provided by Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Promotion or Facilitation of Prostitution and Reckless Disregard of Sex Trafficking: Title 18 U.S.C. Ch. 117 Section 2421A*

Whoever owns, manages, operates, or conspires or attempts to run, a facility that impacts interstate or foreign commerce with the intent to promote or facilitate prostitution of another may be imprisoned for up to 10 years. If the individual promotes or facilitates the prostitution of more than 5 people or acts in reckless disregard and contributes to sex trafficking may be imprisoned for up to 25 years. [This summary is provided by Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]

*Coercion and Enticement: Title 18 U.S.C. Ch. 117 Section 2422*

Transportation of a minor in interstate or foreign commerce, with intent that the minor engages in prostitution or other sexual activity for which any person can be charged with a crime, is punishable by a fine and a minimum of 10 years' imprisonment or for life. This section also prohibits travel in interstate and foreign commerce with intent to engage in illicit sexual conduct involving children; engaging in such illicit sexual conduct in foreign places; and facilitating such travel. These offenses are punishable by a fine or up to 30 years' imprisonment, or both. Attempts and conspiracy to violate this section are punishable to the same extent as the underlying violation. 2422(b) is used to prosecute sexual grooming. [This summary is provided by Civil Rights Division of the Department of Justice. See at <https://www.justice.gov/crt/statutes-enforced-criminal-section.>]



Transportation of Minors: Title 18 U.S.C. Ch. 117 Section 2423

Any person who knowingly engages, or attempts or conspires to engage, in the transportation of a minor across state lines with the purpose of engaging in prostitution may be imprisoned for at least 10 years to life.

Remedies for Sex Abuse Act Violations

Mandatory Restitution: The Court shall order Restitution as a remedy for both civil and criminal actions resulting from the Sexual Abuse Act. Title 18 U.S.C. Ch. 109A Section 2248

Criminal Forfeiture: Any person who is convicted under the Chapter will forfeit any visual depictions of sexually explicit conduct involving minors, any property that was realized by violating the law, and any property that was used to obtain money from violating the law. Title 18 U.S.C. Ch. 110 Section 2253

Civil Forfeiture: Any property subject to Criminal Forfeiture under 2253, is also subject to civil forfeiture in criminal cases. Title 18 U.S.C. Ch. 110 Section 2254

Civil Remedy for Personal Injuries: Any person who was a victim of a crime in this chapter and suffers a personal injury may sue for the actual amount of damages or liquidated damages in the amount of \$150k as well as other fees. Title 18 U.S.C. Ch. 110 Section 2255

Mandatory Restitution: The Court shall order Restitution as a remedy for a criminal or civil offense under the chapter. Title 18 U.S.C. Ch. 110 Section 2259

Assessments in Child Pornography Cases: Title 18 U.S.C. Ch. 110 Section 2259A

The Court shall assess not more than \$17k on any person in violation of 2252(a)(4) or 2252A(a)(5). The Court shall assess not more than \$35k convicted in child pornography trafficking. The Court shall assess not more than \$50k if convicted in child pornography production.

**IV. Sexual Offender Registry and Notification Act of 2006**

SORNA is the unofficial name for the Adam Walsh Child Protection and Safety Act of 2006, which was enacted to protect children from sex offenders and from the fate of Adam Walsh, who was kidnapped and later murdered in Florida in 1981. The act was sponsored by Representative Jim Sensenbrenner of Wisconsin and a bipartisan group of 37 other members. The act was signed into law on the 25<sup>th</sup> anniversary of Adam Walsh's murder, July 27, 2006. The act created a National and State Sex Offender Registry and created different tiers of sex offenders with different registration requirements.

To protect children from sexual offenders by creating a national registration system of sexual offenders. Each State, Commonwealth, Territory and Federally Recognized Tribe must maintain a registry in their respective jurisdictions. Federal Tribes may elect to comply with SORNA.

For further information, visit [Title 34 U.S.C. Ch. 209 Section 20912.](#)

#### **V. NATIONAL CHILD PROTECTION ACT OF 1993**

The National Child Protection Act of 1993 is an act that creates a national criminal history background check system where each State is required to report child abuse and indexes information for purposes of childcare providers. The act was sponsored by Rep. Patricia Schroeder of Colorado and a bipartisan group of 41 other members. The act required every state, territory, and Commonwealth report or index child abuse crime information to the national criminal history background check system. The AG must publish an annual summary of each jurisdiction's progress in reporting child abuse crime information to the background check system. [Title 34 U.S.C. Ch. 401 Section 40101](#)

Each jurisdiction may have an agency that has access to the criminal background check system that is able to determine one's fitness to be responsible for the safety and well-being of vulnerable populations (children, elderly, people with disabilities). Such access is limited to individuals who have provided a set of fingerprints and a signed statement containing identification and criminal information and a signed permission for agencies to conduct background checks. [Title 34 U.S.C. Ch. 401 Section 40102](#)

#### **VI. NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT OF 1998**

The National Criminal History Access and Child Protection Act was a part of the larger Crime Identification Technology Act of 1998 and was sponsored by then-Senator Mike DeWine of Ohio and a bipartisan group of 13 other members. Congress found that state criminal history repositories report vary by procedures by which they are exchanged. Congress determined that an optional Interstate Compact was necessary to better share criminal history records.

The National Crime Prevention and Privacy Compact is an optional government program created by the National Criminal History Access and Child Protection Act that encourages States to share data with the FBI in order to exchange criminal history records for noncriminal justice purposes allowed by laws. Information that is required to be shared includes Criminal History, Fingerprints, and DNA Evidence.

Currently, 45 of 55 U.S. jurisdictions (Territories and D.C.). For full list see <https://www.fbi.gov/file-repository/compact-council-states-territories-map/view>. Members shall enforce and cooperate with rules and regulations of the Compact.

For further information, see [Title 34 U.S.C. Ch. 403 Section 40315](#) and [Title 34 U.S.C. Ch. 403 Section 40316](#).

#### **VII. DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000**

The DNA Analysis Backlog Elimination Act was sponsored by then-Representative Bill McCollum of Florida and a bipartisan group of 10 other members. The Act allows the Attorney General to

grant funds to law enforcement agencies for the purpose of eliminating the backlog for DNA analyses and to increase the capacity of labs conducting DNA analyses. The AG may collect DNA samples from individuals in custody if they are arrested, charged with, or convicted of, among other offenses, Sexual Abuse as defined in 18 U.S.C. 2241-2248. If an Individual is on release, parole, or probation, the officer responsible for compliance with federal law shall collect a DNA sample of certain federal offenders, among whom are sexual abusers. A person who knowingly discloses DNA analyses to anyone who is not authorized to receive it will be fined up to \$250k or imprisoned for up to 1 year.

For further information, see [Title 34 U.S.C. Ch. 407 Section 40702](#) and [Title 34 U.S.C. Ch. 407 Section 40706](#).

### **VIII. UNIFORM FEDERAL CRIME REPORTING ACT OF 1988, NATIONAL CHILD AND SEARCH ASSISTANCE ACT OF 1990, AND TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008**

The Uniform Federal Crime Reporting Act was enacted as a part of the larger Anti-Drug Abuse Act, which was sponsored by then-Representative Thomas Foley of Washington and then-Representative Robert Michel of Illinois. All Federal Crimes shall be catalogued in the Uniform Crime Reports. The AG shall submit a report to government officials, State and Federal, as well as local government, regarding federal crimes committed in their jurisdiction.

For further information, see [Title 34 U.S.C. Ch. 413 Section 41303](#).

### **IX. ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980 AND TITLE IV-E**

The Adoption Assistance and Child Welfare Act was an act signed into law into 1980 that established programs for foster care systems under the Social Security Act (42 U.S.C. Title IV). The Act was sponsored by then-Representative James Corman of California and a bipartisan group of 9 other members. The Act ultimately created Title IV-E, a government program that gives funding to states for the purpose of assisting adoption of children. To be eligible for Title IV-E funding, states must meet 37 requirements listed in 42 U.S.C. 671.

For further information, see [Title 42 U.S.C. Ch. 7 Title IV Part E](#).

### **X. CHILD ABUSE AND PREVENTION TREATMENT ACT OF 1974**

CAPTA establishes a national center for child abuse and neglect and a National Clearinghouse on child abuse programs. The act was sponsored by then-Senator Walter Mondale of Minnesota and a bipartisan group of 18 Senators. CAPTA created an Office of Child Abuse and Neglect at HHS to execute the functions of the act and to advise the Secretary and Congressional committees on child abuse and neglect. The HHS Secretary is to administer a National Clearinghouse of information containing information regarding Child Abuse and Neglect.

For further information, visit [Title 42 U.S.C. Ch. 67 Section 5101](#), [Title 42 U.S.C. Ch. 67 Section 5102](#), and [Title 42 U.S.C. Ch. 67 Section 5104](#).

## **XI. INDIAN CHILD WELFARE ACT OF 1978**

The Indian Child Welfare Act (ICWA) of 1978 is a federal law that governs the removal and out-of-home placement of American Indian children. The law was enacted after the Federal Government recognized that American Indian children were being removed from their homes and communities at a much higher rate than non-Native children. The law established Federal standards for the removal and placement of Native children as well as with termination of parental rights to protect the best interests of Native American children and keep them connected to their families and Tribes. ICWA was enacted after Native American children were systematically removed—often without evidence of abuse or neglect that would be considered grounds for removal—and placed with non-Native families, with the intent to deprive them of their Native family or culture. The law delineates the roles of State and Tribal governments in child welfare cases involving children who are members of or eligible for membership in Federally recognized Tribes. Summary provided by the Child Welfare Information Gateway, an online resource administered by the Department of Health and Human Services.

The Indian Child Welfare Act sponsored by then-Senator James Abourezk of South Dakota and 7 other Democrat senators. Congress found that 35% of Native American children were being removed from their reservations and that state courts often fail to realize the different social and cultural standards in Indian communities. Congress declared that it was national policy to set minimum standards for court proceedings regarding adoption and foster care.

For further information, visit [Title 25 U.S.C. Ch. 21](#). (*The Supreme Court of the United States rendered a decision regarding the ICWA in June 2023. To read the Court's opinion, click [here](#).*)

*The information, links, and other materials furnished by America's Future herein are being provided only for educational and informational purposes and with the understanding that America's Future, Inc. is not engaged in rendering legal advice. If legal advice or other expert assistance is required, the services of a competent professional advisor should be sought. (August 2023)*