

# Trafficking Victim Protection Act: 2000-2018

## Introduction

The Trafficking Victims Protection Act (TVPA) was initially passed in 2000 and is the U.S. legal framework for combating human trafficking both domestically and internationally. Since then, it has been reauthorized five times.

This document consolidates the changes of the various reauthorizations to the TVPA. Due to the nature of the reauthorizations, sometimes being split over several laws rather than simply modifying the text of the TVPA, some creative liberties were taken in creating this document. This consolidation allows the reader to see what year a change was made, while being able to view all of the TVPA policy changes in one document. The changes that were introduced have been color-coded as follows: **added in 2003**, **added in 2005**, **added in 2008**, **added in 2013**, **added in 2017-2018 through four separate laws**. A Miscellaneous section under Title III was created for the purpose of including sections of the reauthorizations that were not directly relevant to the TVPA of 2000.

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## **VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000**

An Act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **SECTION 1.**

This Act may be cited as the ``Victims of Trafficking and Violence Protection Act of 2000''.

### **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) Divisions. --This Act is organized into three divisions, as follows:

- (1) Division a.--Trafficking Victims Protection Act of 2000.
- (2) Division b.--Violence Against Women Act of 2000.
- (3) Division c.--Miscellaneous Provisions.

(b) Table of Contents. --The table of contents for this Act is as follows:

Sec.1.Short title.

Sec.2.Organization of Act into divisions; table of contents.

### **DIVISION A--TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

Sec.101.Short title.

Sec.102.Purposes and findings.

Sec.103.Definitions.

Sec.104.Annual Country Reports on Human Rights Practices.

Sec.105.Interagency Task Force to Monitor and Combat Trafficking.

Sec.106.Prevention of trafficking.

Sec.107.Protection and assistance for victims of trafficking.

Sec. 107B. Improving domestic victim screening procedures.

Sec.108.Minimum standards for the elimination of trafficking.

Sec.109.Assistance to foreign countries to meet minimum standards.

Sec.110.Actions against governments failing to meet minimum standards.

Sec.111.Actions against significant traffickers in persons.

Sec.112.Strengthening prosecution and punishment of traffickers.

Sec.113.Authorizations of appropriations.

### **DIVISION A-- TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

#### **SEC. 101.**

This division may be cited as the ``Trafficking Victims Protection Act of 2000''.

#### **SEC. 102. PURPOSES AND FINDINGS.**

(a) Purposes. --The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) Findings. --Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, salesclerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In *United States v. Kozminski*, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention

on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe. (24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

#### **Findings for TVPA 2003:**

Congress finds the following:

- (1) Trafficking in persons continues to victimize countless men, women, and children in the United States and abroad.
- (2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.
- (3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act.
- (4) Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons.
- (5) Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers.
- (6) International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.

#### **Findings for TVPRA 2005:**

Congress finds the following:

- (1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193).
- (2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across inter- national borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

- (3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.
- (4) Trafficking in persons also occurs within the borders of a country, including the United States.
- (5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.
- (6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Run- away Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.
- (7) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post- conflict settings and during humanitarian emergencies.
- (8) There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there is a need for further integrated programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.
- (9) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.
- (10) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the credibility and mission of United States Government programs in post-conflict regions.
- (11) Further measures are needed to ensure that United States Government personnel and contractors are held account- able for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

### **Findings for TVPA 2017:**

(a) FINDINGS. —Congress finds the following:

- (1) The crime of human trafficking involves the exploitation of adults through force, fraud, or coercion, and children for such purposes as forced labor or commercial sex.
- (2) Reliable data on the prevalence of human trafficking in the United States is not available, but cases have been reported in all 50 States, the territories of the United States, and the District of Columbia.
- (3) Each year, thousands of individuals may be trafficked within the United States, according to recent estimates from victim advocates.
- (4) More accurate and comprehensive data on the prevalence of human trafficking is needed to properly combat this form of modern slavery in the United States.
- (5) Victims of human trafficking can include men, women, and children who are diverse with respect to race, ethnicity, and nationality, among other factors.

(6) Since the enactment of the Trafficking Victims Protection Act of 2000 (Public Law 106–386; 114 Stat. 1464), human traffickers have launched increasingly sophisticated schemes to increase the scope of their activities and the number of their victims.

(b) SENSE OF CONGRESS. —It is the sense of Congress that Congress supports additional efforts to raise awareness of and oppose human trafficking.

### **SEC. 103. DEFINITIONS.**

In this division:

(1) Abuse or threatened abuse of law or legal process. --The term ‘abuse or threatened abuse of the legal process’ means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) Appropriate congressional committees. --The term ‘‘appropriate congressional committees’’ means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(3) Coercion. --The term ‘‘coercion’’ means--

(A) threats of serious harm to or physical restraint against any person;

(B) 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; or

(C) the abuse or threatened abuse of the legal process.

(4) 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.

(5) Concrete Actions – The term ‘concrete actions’ means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

(A) Enforcement actions taken

(B) Investigations actively underway

(C) Prosecutions conducted

(D) Convictions attained

(E) Training provided

(F) Programs and partnerships actively underway

(G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement and policy making, engagement with foreign migrants, ending recruitment fees, and other such measures.

(H) Victim services offered, including immigration services and restitution

(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

(6) Credible Information – the term ‘credible information’ includes all of the following:

(A) Reports by the Department of State

(B) Reports of other Federal agencies, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

(C) Documentation provided by a foreign country, including –

(i) copies of relevant laws, regulations, and policies adopted or modified; and

(ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.

(D) Materials developed by civil society organizations

(E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.

(F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.

(G) Information developed by multilateral institutions

(H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.

(7) Debt bondage. --The term "debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(8) Involuntary servitude. --The term "involuntary servitude" includes a condition of servitude induced by means of

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(9) Minimum standards for the elimination of trafficking. -- The term "minimum standards for the elimination of trafficking" means the standards set forth in section 108.

(10) Nonhumanitarian, non trade-related foreign assistance. --The term "non humanitarian, non trade-related foreign assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) assistance under chapter 4 of part II of that Act in support of programs of nongovernmental organizations that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;

(ii) assistance under chapter 8 of part I of that Act;

(iii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(v) antiterrorism assistance under chapter 8 of part II of that Act;

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.

(11) Severe forms of trafficking in persons. --The term "severe forms of trafficking in persons" means—

(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.

(12) Sex trafficking. --The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(13) State. --The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(14) Task force. --The term "Task Force" means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.

(15) United states. --The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(16) Victim of a severe form of trafficking. --The term "victim of a severe form of trafficking" means a person subject to an act or practice described in paragraph (9).

(17) Victim of trafficking. --The term "victim of trafficking" means a person subjected to an act or practice described in paragraph (9) or (10).

In this title:

(1) SEVERE FORMS OF TRAFFICKING IN PERSONS. —The term "severe forms of trafficking in persons" has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).

(2) SEX TRAFFICKING. —The term "sex trafficking" has the meaning given the term in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

(3) COMMERCIAL SEX ACT. —The term "commercial sex act" has the meaning given the term in section 103(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(3)).

## **SEC. 104. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

(a) Countries Receiving Economic Assistance.--Section 116(f ) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(f )) is amended to read as follows:

"(f)(1) The report required by subsection (d) shall include the following:

"(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

"(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

"(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

"(ii) Which government authorities in that country are involved in activities to combat such trafficking.

"(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

“(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

“(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

“(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

“(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

“(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

“(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

“(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

“(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.”.

“(3) in section 116 (22 U.S.C. 2151n), by adding at the end the following:

“(g) Child Marriage Status.—

“(1) In general.—The report required under subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country

“(2) Defined term.—In this subsection, the term ‘child marriage’ means the marriage of a girl or boy who is—

“(A) younger than the minimum age of marriage under the laws of the country in which such girl or boy is a resident; or

“(B) younger than 18 years of age, if no such law exists.”; and

“(4) in section 502B (22 U.S.C. 2304), by adding at the end the following:

“(i) Child Marriage Status.—

“(1) In general.—The report required under subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

“(2) Defined term.—In this subsection, the term ‘child marriage’ means the marriage of a girl or boy who is—

“(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

“(B) younger than 18 years of age, if no such law exists.”.

(b) Countries Receiving Security Assistance.--Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

“(h)(1) The report required by subsection (b) shall include the following:

“(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

“(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

“(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

“(ii) Which government authorities in that country are involved in activities to combat such trafficking.

“(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

“(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

“(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

“(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

“(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

“(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

“(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

“(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

“(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.”.

## **SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.**

(a) Establishment. --The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(b) Appointment. --The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Education, the Secretary of the Treasury, the United States Trade Representative and such other officials as may be designated by the President.

(c) Chairman. --The Task Force shall be chaired by the Secretary of State.

(d) Activities of the Task Force. --The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this division.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking

prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 110.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies. Any data collection procedures and reporting requirements established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this division, and make reasonable efforts to distribute information to enable all relevant Federal Government agencies to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States.

(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—

(A) the number of persons who received benefits or other services under subsections (b) and (f) of section 107 in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Attorney General, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

(B) the number of persons who have been granted continued presence in the United States under section 107(c)(3) during the preceding fiscal year and the mean and median time taken to adjudicate applications submitted under such section, including the time from the receipt of continued presence, and a description of any efforts being taken to reduce the adjudication and processing time while ensuring the safe and competent processing of the applications;

(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status subparagraph (T)(i) or (U)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) during the preceding fiscal year;

(D) the number of persons who have applied for, been granted, or been denied a visa or status under clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) during the preceding fiscal year, broken down by the number of such persons described in subclauses (I), (II), and (III) of such clause (ii);

(E) the amount of Federal funds expended in direct benefits paid to individuals described in subparagraph (D) in conjunction with T visa status;

(F) the number of persons who have applied for, been granted, or been denied a visa or status under section 101(a)(15)(U)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(i)) during the preceding fiscal year;

(G) the mean and median time in which it takes to adjudicate applications submitted under the provisions of law set forth in subparagraph (C), including the time between the receipt of an application and the issuance of a visa and work authorization;

(H) any efforts being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing of the applications;

(I) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18, United States Code, during the preceding fiscal year and the sentences imposed against each such person;

(J) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 106 and 107 of this Act, or section 134 of the Foreign Assistance Act of 1961, during the preceding fiscal year;

(K) the nature of training conducted pursuant to section 107(c)(4) during the preceding fiscal year;

(L) the amount, recipient, and purpose of each grant under sections 202 and 204 of the Trafficking Victims Protection Act of 2005;

(M) activities by the Department of Defense to combat trafficking in persons, including-

- (i) educational efforts for, and disciplinary actions taken against, members of the United Armed Forces

- (ii) the development of materials used to train the armed forces of foreign countries; and

- (iii) efforts to ensure that United States Government contractors and their employees or United States Government subcontractors and their employees do not engage in trafficking in persons;

(N) activities or actions by Federal departments and agencies to enforce –

- (i) section 106(g) and any similar law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, the procurement of commercial sex acts, or the use of forced labor, including debt bondage;
- (ii) section 307 of the Tariff Act of 1930 (19 U.S.C. 1307; relating to prohibition on importation of convict-made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and
- (iii) prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998);

(O) the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section subsection (g) of this division; and

(P) the activities undertaken by Federal agencies to train appropriate State, tribal, and local government and law enforcement officials to identify victims of severe forms of trafficking, including both sex and labor trafficking;

(Q) the activities undertaken by Federal agencies in cooperation with State, tribal, and local law enforcement officials to identify, investigate, and prosecute offenses under sections 1581, 1583, 1584, 1589, 1590, 1592, and 1594 of title 18, United States Code, or equivalent State offenses, including, in each fiscal year—

- (i) the number, age, gender, country of origin, and citizenship status of victims identified for each offense;
- (ii) the number of individuals charged, and the number of individuals convicted, under each offense;
- (iii) the number of individuals referred for prosecution for State offenses, including offenses relating to the purchasing of commercial sex acts;
- (iv) the number of victims granted continued presence in the United States under section 107(c)(3); and
- (v) the number of victims granted a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));
- (viii) the number of convictions obtained under chapter 77 of title 18, United States Code, aggregated separately by the form of offense committed with respect to the victim, including obtaining, advertising, maintaining, patronizing, or soliciting a human trafficking victim; and

(R) the activities undertaken by the Department of Justice and the Department of Health and Human Services to meet the specific needs of minor victims of domestic trafficking, including actions taken pursuant to subsection (f) and section 202(a) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)), and the steps taken to increase cooperation among Federal agencies to ensure the effective and efficient use of programs for which the victims are eligible; and

(S) tactics and strategies employed by human trafficking task forces sponsored by the Department of Justice to reduce demand for trafficking victims.

(e) Office to Monitor and Combat Trafficking.—

(1) In General — The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the

Secretary of State in carrying out the purposes of this division and may have responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a non reimbursable basis, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large.

(2) UNITED STATES ASSISTANCE.—The Director shall be responsible for—

(A) all policy, funding, and programming decisions regarding funds made available for trafficking in persons programs that are centrally controlled by the Office to Monitor and Combat Trafficking; and

(B) coordinating any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Director.

(f) Regional Strategies for Combating Trafficking in Persons –

Each regional bureau in the Department of State shall contribute to the realization of the anti-trafficking goals and objectives of the Secretary of State. Each year, in cooperation with the Office to Monitor and Combat Trafficking in Persons, each regional bureau shall submit a list of anti-trafficking goals and objectives to the Secretary of State for each country in the geographic area of responsibilities of the regional bureau. Host governments shall be informed of the goals and objectives for their particular country and, to the extent possible, host government officials should be consulted regarding the goals and objectives.

(g) SENIOR POLICY OPERATING GROUP. —

(1) ESTABLISHMENT. —There shall be established within the executive branch a Senior Policy Operating Group.

(2) MEMBERSHIP; RELATED MATTERS. —

(A) IN GENERAL. —The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order No. 13257 of February 13, 2002).

(B) CHAIRPERSON. —The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

(C) MEETINGS. —The Operating Group shall meet on a regular basis at the call of the Chairperson.

(3) DUTIES. —The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

(4) AVAILABILITY OF INFORMATION. —Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

(5) REGULATIONS. —Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).

## **Sec. 105A: Creating, Building, and Strengthening Partnerships Against Significant Trafficking in Persons**

(a) Declaration of Purpose – The purpose of this section is to promote collaboration and cooperation –

(1) Between the United States Government and governments listed on the annual Trafficking in Persons Report;

(2) Between foreign governments and civil society actors' and

(3) Between the United States Government and private sector entities

(b) Partnerships -- The Director of the office established pursuant to section 105(e)(1) of this Act, in coordination and cooperation with other officials at the Department of State, officials at the Department of Labor, and other relevant officials of the United States Government, shall promote, build, and sustain partnerships between the United States Government and private entities, including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations, to ensure that—

(1) United States citizens do not use any item, product, or material produced or extracted with the use and labor from victims of severe forms of trafficking; and

(2) Such entities do not contribute to trafficking in persons involving sexual exploitation.

(c) Program To Address Emergency Situations.--The Secretary of State, acting through the Director established pursuant to section 105(e)(1) of this Act, is authorized to establish a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking in persons, protection of victims, and prosecution of trafficking offenders.

(d) Child Protection Compacts—

(1) In general – The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Labor, and the heads of other relevant agencies, is authorized to provide assistance under this section for each country that enters into a child protection compact with the United States to support policies and programs that –

(A) Prevent and respond to violence, exploitation, and abuse against children; and

(B) Measurably reduce the trafficking of minors by building sustainable and effective systems of justice, prevention, and protection

(2) Elements -- A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this Act. The compact should take into account, if applicable, the national child protection strategies and national action plans for human trafficking of a country, and shall describe—

(A) the specific objectives the foreign government and the United States Government expect to achieve during the term of the compact;

(B) the responsibilities of the foreign government and the United States Government in the achievement of such objectives;

(C) the particular programs or initiatives to be undertaken in the achievement of such objectives and the amount of funding to be allocated to each program or initiative by both countries;

(D) regular outcome indicators to monitor and measure progress toward achieving such objectives

(E) a multi-year financial plan, including the estimated amount of contributions by the United States Government and the foreign government, and proposed mechanisms to implement the plan and provide oversight;

(F) how a country strategy will be developed to sustain progress made toward achieving such objectives after expiration of the compact; and

(G) how child protection data will be collected, tracked, and managed to provide strengthened case management and policy planning.

(3) Form of assistance. --Assistance under this subsection may be provided in the form of grants, cooperative agreements, or contracts to or with national governments, regional or local



governmental units, or non-governmental organizations or private entities with expertise in the protection of victims of severe forms of trafficking in persons

(4) Eligible countries. --The Secretary of State, in consultation with the agencies set forth in paragraph (1) and relevant officers of the Department of Justice, shall select countries with which to enter into child protection compacts. The selection of countries under this paragraph shall be based on—

(A) the selection criteria set forth in paragraph(5); and

(B) objective, documented, and quantifiable indicators, to the maximum extent possible.

(5) Selection criteria. --A country shall be selected under paragraph (4) on the basis of criteria developed by the Secretary of State in consultation with the Administrator of the United States Agency for International Development and the Secretary of Labor. Such criteria shall include—

(A) a documented high prevalence of trafficking in persons within the country; and

(B) demonstrated political motivation and sustained commitment by the government of such country to undertake meaningful measures to address severe forms of trafficking in persons, including prevention, protection of victims, and the enactment and enforcement of anti-trafficking laws against perpetrators.

(6) Suspension and termination of assistance. —

(A) In general. --The Secretary may suspend or terminate assistance provided under this subsection in whole or in part for a country or entity if the Secretary determines that—

(i) the country or entity is engaged in activities that are contrary to the national security interests of the United States;

(ii) the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or

(iii) the country or entity has failed to adhere to its responsibilities under the Compact.

(B) Reinstatement. --The Secretary may reinstate assistance for a country or entity suspended or terminated under this paragraph only if the Secretary determines that the country or entity has demonstrated a commitment to correcting each condition for which assistance was suspended or terminated under subparagraph (A).

#### (7) COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT.

(a) IN GENERAL. —Not less than annually, the Secretary of State shall provide, to the foreign minister of each country that has been downgraded to a “Tier 2 Watch List” country pursuant to the Trafficking in Persons report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))

(1) —a copy of the annual Trafficking in Persons report; and

(2) information pertinent to that country’s downgrade, including —

(A) confirmation of the country’s designation to the Tier 2 Watch List;

(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

(C) the factors that contributed to the downgrade; and

(D) the steps that the country must take to be considered for an upgrade in status of designation.

(b) Sense of Congress Regarding Communications – It is the sense of Congress that, given the gravity of a Tier 1 Watch List designation, the Secretary of State should communicate the information described in subsection (a) to the foreign minister of any country downgraded to the Tier 2 Watch List.

## **SEC. 106. PREVENTION OF TRAFFICKING.**

(a) Economic Alternatives To Prevent and Deter Trafficking. --The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

- (1) microcredit lending programs, training in business development, skills training, and job counseling;
- (2) programs to promote women's participation in economic decision-making;
- (3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;
- (4) development of educational curricula regarding the dangers of trafficking; and
- (5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) Public Awareness and Information. —

(1) **In General** - The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(2) **Grants to Assist in the Recognition of Trafficking:**

(A) **Definitions** – In this paragraph:

(i) **ESEA TERMS.** —The terms ‘elementary school’, ‘local educational agency’, ‘other staff’, and ‘secondary school’ have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(ii) **HIGH-INTENSITY CHILD SEX TRAFFICKING AREA.** —The term ‘high-intensity child sex trafficking area’ means a metropolitan area designated by the Director of the Federal Bureau of Investigation as having a high rate of children involved in sex trafficking.

(iii) **LABOR TRAFFICKING.** —The term ‘labor trafficking’ means conduct described in section 103(9)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(B)).

(iv) **SCHOOL STAFF.** —The term ‘school staff’ means teachers, nurses, school leaders and administrators, and other staff at elementary schools and secondary schools.

(v) **SEX TRAFFICKING.** —The term ‘sex trafficking’ means the conduct described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A)).

(B) **IN GENERAL.** —The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Labor, may award grants to local educational agencies, in partnership with a nonprofit, non- governmental agency, to establish, expand, and support programs—

(i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking; and

(ii) to provide age appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking.

(C) **PROGRAM REQUIREMENTS.**—Amounts awarded under this paragraph shall be used for

- (i) Education regarding –
    - (I) Avoiding becoming victims of labor trafficking and sex trafficking
    - (II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;
    - (III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;
    - (IV) reporting requirements and procedures in accordance with applicable Federal and State law; and
    - (V) how to carry out activities authorized under subparagraph (A)(ii); and
  - (ii) a plan, developed and implemented in consultation with local law enforcement agencies, to ensure the safety of school staff and students reporting such trafficking.
- (D) PRIORITY. —In awarding grants under this paragraph, the Secretary shall give priority to local educational agencies serving a high-intensity child sex trafficking area.

(c) BORDER INTERDICTION. —The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

(d) INTERNATIONAL MEDIA.—The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

(e) COMBATING INTERNATIONAL SEX TOURISM. —

(1) DEVELOPMENT AND DISSEMINATION OF MATERIALS. — The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

(2) MONITORING OF COMPLIANCE. —The President shall monitor compliance with the requirements of paragraph (1).

(3) FEASIBILITY REPORT.—Not later than 180 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations.”

(f) Consultation Requirement. --The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (e).

**(g) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS. —**

**(1) TERMINATION. —**The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.

**(h) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST- CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE. —** The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.

**(a) STUDY AND REPORT. —**

**(1) STUDY. —**

**(A) IN GENERAL. —**The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Secretary of Defense, shall conduct a study regarding the threat and practice of trafficking in persons generated by post- conflict and humanitarian emergencies in foreign countries.

**(B) FACTORS. —**In carrying out the study, the Secretary of State and the Administrator of the United States Agency for International Development shall examine—

- (i) the vulnerabilities to human trafficking of commonly affected populations, particularly women and children, generated by post-conflict and humanitarian emergencies;
- (ii) the various forms of trafficking in persons, both internal and trans-border, including both sexual and labor exploitation;
- (iii) a collection of best practices implemented to date to combat human trafficking in such areas; and
- (iv) proposed recommendations to better combat trafficking in persons in conjunction with post-conflict reconstruction and humanitarian emergencies assistance.

**(b) REPORT. —**Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, with the concurrence of the Secretary of Defense, shall transmit to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that contains the results of the study conducted pursuant to paragraph (1)

**(i) ADDITIONAL MEASURES TO PREVENT AND DETER TRAFFICKING. —**The President shall establish and carry out programs to prevent and deter trafficking in persons, including—

**(1) technical assistance and other support to improve the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment**

centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor.

(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information, in the native languages of the major immigrant groups of such populations, regarding the rights of such populations in the foreign country and local in-country nongovernmental organization-operated hotlines;

(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that—

(A) foreign migrant workers are provided the same protection as nationals of the foreign country;

(B) labor recruitment firms are regulated; and

(C) workers providing domestic services in households are provided protection under labor rights laws; and

(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such population

(j) Prevention of Child Trafficking Through Child Marriage. --The Secretary of State shall establish and implement a multi-year, multi-sectoral strategy—

(1) to prevent child marriage;

(2) to promote the empowerment of girls at risk of child marriage in developing countries;

(3) that should address the unique needs, vulnerabilities, and potential of girls younger than 18 years of age in developing countries;

(4) that targets areas in developing countries with high prevalence of child marriage; and

(5) that includes diplomatic and programmatic initiatives.

(k) Agency Action to Prevent Funding of Human Trafficking –

(1) IN GENERAL. —At the end of each fiscal year, the Secretary of State, the Secretary of Labor, the Administrator of the United States Agency for International Development, and the Director of the Office of Management and Budget shall each submit a report to the Administrator of General Services that includes—

(A) the name and contact information of the individual within the agency's Office of Legal Counsel or Office of Acquisition Policy who is responsible for overseeing the implementation of—

(i) subsection (g);

(ii) title XVII of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104a et seq.); and

(iii) any regulation in the Federal Acquisition Regulation (48 C.F.R. 1 et seq.) that is related to any subject matter referred to in clause (i) or (ii);

(B) agency action to ensure that contractors are educated on the applicable laws and regulations listed in subparagraph (A);

(C) agency action to ensure that the acquisition workforce and agency officials understand implementation of the laws and regulations listed in subparagraph (A), including best practices for—

(i) ensuring compliance with such laws and regulations;

(ii) assessing the serious, repeated, willful, or pervasive nature of any violation of such laws or regulations; and

(iii) evaluating steps contractors have taken to correct any such violation;

(D)

- (i) the number of contracts containing language referring to the laws and regulations listed in subparagraph (A); and
  - (ii) the number of contracts that did not contain any language referring to such laws and regulations;
- (E)
- (i) the number of allegations of severe forms of trafficking in persons received; and
  - (ii) the source type of the allegation (such as contractor, subcontractor, employee of contractor or subcontractor, or an individual outside of the contract);
- (F)
- (i) the number of such allegations investigated by the agency;
  - (ii) a summary of any findings from such investigations; and
  - (iii) any improvements recommended by the agency to prevent such conduct from recurring;
- (G)
- (i) the number of such allegations referred to the Attorney General for prosecution under section 3271 of title 18, United States Code; and
  - (ii) the outcomes of such referrals;
- (H) any remedial action taken as a result of such investigation, including whether—
- (i) a contractor or subcontractor (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or
  - (ii) a contract was terminated pursuant to subsection (g) as a result of such violation;
- (I) any other assistance offered to agency contractors to ensure compliance with a law or regulation relating to severe forms of trafficking in persons;
- (J) any interagency meetings or data sharing regarding suspended or disbarred contractors or subcontractors (at any tier) for severe forms of trafficking in persons; and
- (K) any contract with a contractor or subcontractor (at any tier) located outside the United States and the country location, where safe to reveal location, for each such contractor or subcontractor.
- (2) APPROPRIATE CONGRESSIONAL COMMITTEES. —In this subsection, the term ‘appropriate congressional committees’ means—
- (A) the Committee on Foreign Affairs of the House of Representatives;
  - (B) the Committee on Armed Services of the House of Representatives;
  - (C) the Committee on Education and the Workforce of the House of Representatives;
  - (D) the Committee on the Judiciary of the House of Representatives;
  - (E) the Committee on Oversight and Government Reform of the House of Representatives;
  - (F) the Committee on Foreign Relations of the Senate;
  - (G) the Committee on Armed Services of the Senate;
  - (H) the Committee on the Judiciary of the Senate;
  - (I) the Committee on Health, Education, Labor, and Pensions of the Senate

## **SEC. 107 PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.**

(a) Assistance for Victims in Other Countries. --

(1) In general. --The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall

establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons. In cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations that contract with, or receive grants from, the United States Government to assist refugees and internally displaced persons, support for—

- (i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and
- (ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.

(2) Additional requirement. --In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims. In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis and shall brief Congress on such efforts.

(b) Victims in the United States. —

(1) Assistance.—

(A) Eligibility for benefits and services.-- Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 101(a)(15)(T)(ii), shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) Requirement to expand benefits and services.-- Subject to subparagraph (C) and, in the case of non entitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims. In the case of non entitlement programs funded by the Secretary of Health and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.

(C) Definition of victim of a severe form of trafficking in persons. --For the purposes of this paragraph, the term "victim of a severe form of trafficking in persons" means only a person

(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and

(ii)

(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(E) Certification. —

(i) In general. --Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)-

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons or is unable to cooperate with such a request due to physical or psychological trauma; and

(II)

(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) Period of effectiveness. --A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) Investigation and prosecution defined.-- For the purpose of a certification under this subparagraph, the term "investigation and prosecution" includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(iv) ASSISTANCE TO INVESTIGATIONS.—In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved.

(F) ELIGIBILITY FOR INTERIM ASSISTANCE OF CHILDREN. —

(i) DETERMINATION. —Upon receiving credible information that a child described in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph may have been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly determine if the child is eligible for interim assistance under this paragraph. The Secretary shall have exclusive authority to make interim eligibility determinations under this clause. A determination of interim eligibility



under this clause shall not affect the independent determination whether a child is a victim of a severe form of trafficking.

(ii) NOTIFICATION. —The Secretary of Health and Human Services shall notify the Attorney General and the Secretary of Homeland Security not later than 24 hours after all interim eligibility determinations have been made under clause (i).

(iii) DURATION. —Assistance under this paragraph may be provided to individuals determined to be eligible under clause (i) for a period of up to 90 days and may be extended for an additional 30 days.

(iv) LONG-TERM ASSISTANCE FOR CHILDREN. —

(I) ELIGIBILITY DETERMINATION. —Before the expiration of the period for interim assistance under clause (iii), the Secretary of Health and Human Services shall determine if the child referred to in clause (i) is eligible for assistance under this paragraph.

(II) CONSULTATION. —In making a determination under subclause (I), the Secretary shall consult with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe forms of trafficking.

(III) LETTER OF ELIGIBILITY. —If the Secretary, after receiving information the Secretary believes, taken as a whole, indicates that the child is eligible for assistance under this paragraph, the Secretary shall issue a letter of eligibility. The Secretary may not require that the child cooperate with law enforcement as a condition for receiving such letter of eligibility.

(G) NOTIFICATION OF CHILDREN FOR INTERIM ASSISTANCE. —Not later than 24 hours after a Federal, State, or local official discovers that a person who is under 18 years of age may be a victim of a severe form of trafficking in persons, the official shall notify the Secretary of Health and Human Services to facilitate the provision of interim assistance under subparagraph (F).

(2) Grants. —

(A) 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 human trafficking, including programs that provide trauma-informed care or housing options to such victims who are —

- (i) (I) between 12 and 24 years of age; and
- (ii) (II) Homeless, in foster care, or involved in the criminal justice system
- (ii) transitioning out of the foster care system; or
- (iii) women or girls in underserved populations

(B) Allocation of grant funds. --Of amounts made available for grants under this paragraph, there shall be set aside—

- (i) three percent for research, evaluation, and statistics;
- (ii) 5 percent for training and technical assistance, including increasing capacity and expertise on security for and protection of service providers from intimidation or retaliation for their activities; and
- (iii) one percent for management and Administration

(C) Limitation on federal share. --The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(D) Priority-- In selecting recipients of grants under this paragraph that are only available for law enforcement operations or task forces, the Attorney General may give priority to any applicant that files an attestation with the Attorney General stating that—

(i) the grant funds awarded under this paragraph—

(I) will be used to assist in the prevention of severe forms of trafficking in persons;

(II) will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking;

(III) will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and

(IV) will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services; and

(ii) the applicant will provide dedicated resources for anti-human trafficking law enforcement officers for a period that is longer than the duration of the grant received under this paragraph

(E) All grants awarded by the Attorney General under this title or an Act amended by this title shall be subject to the following accountability provisions:

(i) Audit requirement. —

(I) Definition. --In this paragraph, the term "unresolved audit finding" means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued

(II) Requirement. --Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this title or an Act amended by this title to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(III) Mandatory exclusion. --A recipient of grant funds under this title or an Act amended by this title that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this title or an Act amended by this title during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(IV) Priority. --In awarding grants under this title or an Act amended by this title, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this title or an Act amended by this title.

(V) Reimbursement. --If an entity is awarded grant funds under this title or an Act amended by this title during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(aa) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(bb) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(ii) Nonprofit organization requirements. —

(I) Definition. --For purposes of this paragraph and the grant programs under this title or an Act amended by this title, the term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(II) Prohibition. --The Attorney General may not award a grant under this title or an Act amended by this title to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(III) Disclosure.--Each nonprofit organization that is awarded a grant under this title or an Act amended by this title and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(iii) Conference expenditures. —

(I) Limitation.--No amounts authorized to be appropriated to the Department of Justice under this title or an Act amended by this title may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this title or an Act amended by this title, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

(II) Written approval. --Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(III) Report. --The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(iv) Annual certification. -- Beginning in the first fiscal year beginning after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on

the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification indicating whether—

- (I) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;
- (II) all mandatory exclusions required under paragraph(1)(C) have been issued;
- (III) all reimbursements required under paragraph(1)(E) have been made; and
- (IV) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(c) Trafficking Victim Regulations. --Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

- (1) Protections while in custody. --Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—
  - (A) not be detained in facilities inappropriate to their status as crime victims;
  - (B) receive necessary medical care and other assistance; and
  - (C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—
    - (i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and
    - (ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.
- (2) Access to information. --Victims of severe forms of trafficking shall have access to information about their rights and translation services. To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.
- (3) Authority to permit continued presence in the United States. —

(A) Trafficking Victims —

- (i) In General—If a federal law enforcement official files an application stating that an alien is a victim of a severe form of trafficking and may be a potential witness to such trafficking, the Secretary of Homeland Security may permit the alien to remain in the United States to facilitate the investigation and prosecution of those responsible for such crime.
- (ii) Safety—While investigating and prosecuting suspected traffickers, Federal law enforcement officials described in clause (i) shall endeavor to make reasonable efforts to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.
- (iii) CONTINUATION OF PRESENCE. —The Secretary shall permit an alien described in clause (i) who has filed a civil action under section 1595 of title 18, United States Code, to remain in the United States until such action is concluded. If the Secretary, in consultation with the Attorney General, determines that the alien has failed to exercise due diligence in pursuing such action, the Secretary may revoke the order permitting the alien to remain in the United States.

(iv) EXCEPTION.—Notwithstanding clause (iii), an alien described in such clause may be deported before the conclusion of the administrative and legal proceedings related to a complaint described in such clause if such alien is inadmissible under paragraph (2)(A)(i)(II), (2)(B), (2)(C), (2)(E), (2)(H), (2)(I), (3)(A)(i), (3)(A)(iii), (3)(B), or (3)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(B) Parole for Relatives – Law enforcement officials may submit written requests to the Secretary of Homeland Security, in accordance with section 240A(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(6)), to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).

(C) STATE AND LOCAL LAW ENFORCEMENT. —The Secretary of Homeland Security, in consultation with the Attorney General, shall—

- (i) develop materials to assist State and local law enforcement officials in working with Federal law enforcement to obtain continued presence for victims of a severe form of trafficking in cases investigated or prosecuted at the State or local level; and
- (ii) distribute the materials developed under clause (i) to State and local law enforcement officials

(4) Training of government personnel. --Appropriate personnel of the Department of State, the Department of Homeland Security, the Department of Health and Human Services, the Department of Labor, the Equal Employment Opportunity Commission, and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims, including juvenile victims. The Attorney General and the Secretary of Health and Human Services in consultation with the Secretary of Labor, shall provide training to State and local officials to improve the identification and protection of such victims.

(d) Construction. --Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) Protection From Removal for Certain Crime Victims. —

(1) In general. --Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking “or” at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(T)(i) subject to section 214(n), an alien who the Attorney General determines—

“(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

“(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

“(III)

(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(bb) has not attained 15 years of age, and

“(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

“(ii) if the Attorney General considers it necessary to avoid extreme hardship—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien, if accompanying, or following to join, the alien described in clause (i).”

(2) Conditions of nonimmigrant status. --Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) by redesignating the subsection (I) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-1820) as subsection (m); and

(B) by adding at the end the following:

“(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).

“(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

“(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.”

(3) Waiver of grounds for ineligibility for admission. --Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

“(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

“(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

“(i) paragraphs (1) and (4) of subsection (a); and

“(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10)(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).”

(4) Duties of the attorney general with respect to “t” visa nonimmigrants. --Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

“(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)-

“(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and

“(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an ‘employment authorized’ endorsement or other appropriate work permit.”

(5) Statutory construction. --Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct

committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under such section 101(a)(15)(T)(i).

(f) ASSISTANCE FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS. —

(1) IN GENERAL. —The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of Labor, shall establish a program to assist United States citizens and aliens lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) who are victims of severe forms of trafficking. In determining the assistance that would be most beneficial for such victims, the Secretary and the Attorney General shall consult with nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

(2) USE OF EXISTING PROGRAMS. —In addition to specialized services required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall—

(A) facilitate communication and coordination between the providers of assistance to such victims;

(B) provide a means to identify such providers; and “(C) provide a means to make referrals to programs for which such victims are already eligible, including pro- grams administered by the Department of Justice and the Department of Health and Human Services.

(3) GRANTS. —

(A) IN GENERAL. —The Secretary of Health and Human Services and the Attorney General may award grants to States, Indian tribes, units of local government, and non- profit, nongovernmental victim service organizations to develop, expand, and strengthen victim service programs authorized under this subsection.

(B) MAXIMUM FEDERAL SHARE. —The Federal share of a grant awarded under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted by the grantee.

(g ) Adjustment to Permanent Resident Status.--Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

“(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

“(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

“(B) has, throughout such period, been a person of good moral character, and

“(C)

(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States, the Attorney General may adjust the status of the alien (and any person admitted under that section as the spouse, parent, or child of the alien) to that of an alien lawfully admitted for permanent residence.

“(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of-

“(A) paragraphs (1) and (4) of section 212(a); and

“(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

“(3)

(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

“(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

“(4) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.”.

(h) Annual Reports.--On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(o)(2) or 245(l)(4)(A) of such Act.

#### **SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.**

(a) **AWARDING OF GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.** —In administering funds made available to carry out this Act within and outside the United States—

(1) solicitations of grants, cooperative agreements, and contracts for such programs shall be made publicly available;

(2) grants, cooperative agreements, and contracts shall be subject to full and open competition, in accordance with applicable laws; and

(3) the internal department or agency review process for such grants, cooperative agreements, and contracts shall not be subject to ad hoc or intermittent review or influence by individuals or organizations outside the United States Government except as provided under paragraphs (1) and (2).

(b) **ELIGIBILITY.** —

(1) **IN GENERAL.** —An applicant desiring a grant, contract, or cooperative agreement under this Act shall certify that, to the extent practicable, persons or entities providing legal services, social services, health services, or other assistance have completed, or will complete, training in connection with trafficking in persons.

(2) **DISCLOSURE.** —If appropriate, applicants should indicate collaboration with nongovernmental organizations, including organizations with expertise in trafficking in persons.

(c) **EVALUATION OF ANTI-TRAFFICKING PROGRAMS.** —

(1) **IN GENERAL.** —The President shall establish a system to evaluate the effectiveness and efficiency of the assistance provided under anti-trafficking programs established under this Act on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

(2) **REQUIREMENTS.** —In carrying out paragraph (1), the President shall—

(A) establish performance goals for the assistance described in paragraph (1), expressed in an objective and quantifiable form, to the extent practicable;



(B) ensure that performance indicators are used for programs authorized under this Act to measure and assess the achievement of the performance goals described in subparagraph (A);

(C) provide a basis for recommendations for adjustments to the assistance described in paragraph (1) to enhance the impact of such assistance; and

(D) ensure that evaluations are conducted by subject matter experts in and outside the United States Government, to the extent practicable.

(d) TARGETED USE OF ANTI-TRAFFICKING PROGRAMS. —In providing assistance under this division, the President should take into account the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 110(b).

(e) CONSISTENCY WITH OTHER PROGRAMS. —The President shall ensure that the design, monitoring, and evaluation of United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) and other similar United States assistance programs are consistent with United States policies and other United States programs relating to combating trafficking in persons.

(f) AUTHORIZATION OF APPROPRIATIONS. —For each of the fiscal years 2008 through 2011, not more than 5 percent of the amounts made available to carry out this division may be used to carry out this section, including—

(1) evaluations of promising anti-trafficking programs and projects funded by the disbursing agency pursuant to this Act; and

(2) evaluations of emerging problems or global trends.

#### **SEC. 107B. IMPROVING DOMESTIC VICTIM SCREENING PROCEDURES**

(a) VICTIM SCREENING TOOLS. —Not later than October 1, 2018, the Attorney General shall compile and disseminate, to all grantees who are awarded grants to provide victims' services under subsection (b) or (f) of section 107, information about reliable and effective tools for the identification of victims of human trafficking.

(b) USE OF SCREENING PROCEDURES. —Beginning not later than October 1, 2018, the Attorney General, in consultation with the Secretary of Health and Human Services, shall identify recommended practices for the screening of human trafficking victims and shall encourage the use of such practices by grantees receiving a grant to provide victim services to youth under subsection (b) or (f) of section 107.

#### **SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**

(a) Minimum Standards. --For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping, or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) Criteria. --In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates **prosecutes, convicts, and sentences** public officials, **including diplomats and soldiers**, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a **diplomatic, peacekeeping, or other similar mission** who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone or enable such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. **After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with a demonstrably increasing capacity of such government to obtain such data shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.**

(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

(9) Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with—

(A) domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or

(B) the United States toward agreed goals and objectives in the collective fight against trafficking.

(10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

(11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year

(12) Whether the government of the country has made serious and sustained efforts to reduce the demand for —

(A) commercial sex acts; and

(B) participation in international sex tourism by nationals of the country

## **SEC. 109. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.**

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

“SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

**Assistance may be provided under this section notwithstanding section 660 of this Act.**

“(a) Authorization. --The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including—

“(1) the drafting of laws to prohibit and punish acts of trafficking;

“(2) the investigation and prosecution of traffickers, **including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation;**

“(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and

“(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

“(b) Funding. --Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.”.

## **SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.**

(a) Statement of Policy.--It is the policy of the United States not to provide non humanitarian, non trade-related foreign assistance to any government that—

(1) does not comply with minimum standards for the elimination of trafficking; and

(2) is not making significant efforts to bring itself into compliance with such standards.

(b) Reports to Congress. —

(1) Annual report. --Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 108, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should include

(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards based only on concrete actions taken by the country that are recorded during the reporting period;

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period;

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance;

(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization’s employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking;

(E) reporting and analysis on the emergence or shifting of global patterns in human trafficking, including data on the number of victims trafficked to, through, or from major source and destination countries, disaggregated by nationality, gender, and age, to the extent possible;

(F) emerging issues in human trafficking;

(G) a section entitled ‘Promising Practices in the Eradication of Trafficking in Persons’ to highlight effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and

(H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 108.

(2) SPECIAL WATCH LIST. —

(A) SUBMISSION OF LIST. —Not later than the date on which the determinations described in subsections (c) and (d) are submitted to the appropriate congressional committees in accordance with such subsections, the Secretary of State shall submit to the appropriate congressional committees a list of countries that the Secretary determines requires special scrutiny during the following year. The list shall be composed of the following countries:

(i) Countries that have been listed pursuant to paragraph (1)(A) in the current annual report and were listed pursuant to paragraph (1)(B) in the previous annual report.

(ii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report and were listed pursuant to paragraph (1)(C) in the previous annual report.

(iii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, where—

(I) the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or

(II) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.

(B) INTERIM ASSESSMENT. —Not later than February 1st of each year, the Secretary of State shall provide to the appropriate congressional committees an assessment of the progress that each country on the special watch list described in subparagraph (A) has made since April 1 of the previous year.

“(C) RELATION OF SPECIAL WATCH LIST TO ANNUAL TRAFFICKING IN PERSONS REPORT. —A determination that a country shall not be placed on the special watch list described in subparagraph (A) shall not affect in any way the determination to be made in the following year as to whether a country is complying with the minimum standards for the elimination of trafficking or whether a country is making significant efforts to bring itself into compliance with such standards

(D) COUNTRIES ON SPECIAL WATCH LIST FOR 2 CONSECUTIVE YEARS. —

(i) IN GENERAL. —Except as provided under clause (ii), a country that is included on the special watch list described in subparagraph (A) for 2 consecutive years after the date of the enactment of this subparagraph, shall be included on the list of countries described in paragraph (1)(C).

(ii) EXERCISE OF WAIVER AUTHORITY. —The President may waive the application of clause (i) for up to 1 year if the President determines, and reports credible evidence to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, that such a waiver is justified because—

- (I) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking;
- (II) the plan, if implemented, would constitute making such significant efforts; and
- (III) the country is devoting sufficient resources to implement the plan.”.

(E) Congressional Notice – Not later than 30 days after notifying Congress of each country determined to have met the requirements under subclauses (I) through (III) of subparagraph (D) (ii), the Secretary of State shall –

- (i) provide a detailed description of the credible information supporting such determination of a publicly available website maintained by the Department of State; and
- (ii) offer to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on any written plan submitted by the country under subparagraph (D)(ii)(I), with an opportunity to review the written plan.

(F) Special Rule for Certain Countries on Special Watch List that are Downgraded and Reinstated on Special Watch List – Notwithstanding subparagraphs (D) and (E), a country may not be included on the special watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country –

- (i) was included on the special watch list described in subparagraph (A)(iii) for –
  - (I) 2 consecutive years after the date of the enactment of subparagraph (D); and
  - (II) any additional years after such date of enactment as a result of the President exercising the waiver authority under subparagraph (D)(ii); and
- (ii) was subsequently included on the list of countries described in paragraph (1)(C).

(3) Significant efforts. –

(A) In General -- In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—

- (i) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;
- (ii) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking; and
- (iii) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

(B) PROOF OF FAILURE TO MAKE SIGNIFICANT EFFORTS.—In addition to the considerations described in clauses (i), (ii), and (iii) of subparagraph (A), in determinations under paragraph (1)(C) as to whether the government of a country is not making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider, as proof of failure to make significant efforts, a government policy or pattern of—

- (i) trafficking;
- (ii) trafficking in government-funded programs;

- (iii) forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors);
- (iv) sexual slavery in government camps, compounds, or outposts; or
- (v) employing or recruiting child soldiers.”

(C) the extent to which the government of the country is devoting sufficient budgetary resources –

- (i) to investigate and prosecute acts of severe trafficking in persons;
- (ii) to convict and sentence persons responsible for such acts; and

(D) the extent to which the government of the country has consulted with domestic and international civil society organizations that resulted in concrete actions to improve the provision of services to victims of trafficking in persons

(4) Action Plans for Countries Upgraded to Tier 2 Watchlist --

(A) In General – Not later than 180 days after the release of the annual Trafficking in Persons Report, the Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking and the Assistant Secretary of the appropriate regional bureau, in consultation with appropriate officials from the government of each country described in paragraph (2)(A)(ii), and with the assistance of the United States Ambassador or Charge d’Affaires in each country shall—

- (i) prepare an action plan for each country upgraded from Tier 3 to Tier 2 Watchlist to further improve such country’s tier ranking under this subsection; and
- (ii) present the relevant action plan to the government of each such country.

(B) Contents – Each action plan prepared under this paragraph –

- (i) shall include specific concrete actions to be taken by the country to substantively address deficiencies preventing the country from meeting Tier 2 standards, based on credible information; and
- (ii) should be focused on short term and multi-year goals

(C) Briefings – The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

(D) Savings Provision – Nothing in this paragraph may be construed as modifying –

- (i) minimum standards for the elimination of trafficking under section 108; or
- (ii) the actions against governments failing to meet minimum standards under this section or the criteria for placement on the Special Watch List under paragraph (2).

(c) Notification.--Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—

- (A) does not comply with the minimum standards for the elimination of trafficking; and
- (B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) Presidential Determinations.--The determinations referred to in subsection (c) are the following:

(1) Withholding of non humanitarian, non trade-related assistance.--The President has determined that—

(A)

- (i) the United States will not provide non humanitarian, non trade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or
- (ii) in the case of a country whose government received no non humanitarian, non trade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and



(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) Ongoing, multiple, broad-based restrictions on assistance in response to human rights violations. —The President has determined that such country is already subject to multiple, broad-based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) Subsequent compliance. --The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) Continuation of assistance in the national interest.-- Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of non humanitarian, non trade-related foreign assistance **or funding for participation in educational and cultural exchange programs**, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this division or is otherwise in the national interest of the United States.

(5) Exercise of waiver authority.—

(A) In general.--The President may exercise the authority under paragraph (4) with respect to—

(i) all non humanitarian, non trade-related foreign assistance **or funding for participation in educational and cultural exchange programs** to a country;

(ii) all multilateral assistance described in paragraph (1)(B) to a country; or

(iii) one or more programs, projects, or activities of such assistance.

(B) Avoidance of significant adverse effects. -- The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) Definition of multilateral development bank.--In this subsection, the term "multilateral development bank" refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guarantee Agency.

(e) Certification. --Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 103(8)(A), or with respect to any assistance described in section 103(8)(B), no assistance is intended

to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

(f) After the President has made a determination described in subsection (d)(1) with respect to the government of a country, the President may at any time make a determination described in paragraphs (4) and (5) of subsection (d) to waive, in whole or in part, the measures imposed against the country by the previous determination under subsection (d)(1).

## **SEC. 111. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.**

(a) Authority To Sanction Significant Traffickers in Persons. —

(1) In general. --The President may exercise the authorities set forth in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701) without regard to section 202 of that Act (50 U.S.C. 1701) or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114 – 328; 22 U.S.C. 2656 note), in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

(D) Officials of a foreign government who participate in, facilitate, or condone severe forms of trafficking in persons for significant financial gain.

(2) Penalties. --The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(b) Report to Congress on Identification and Sanctioning of Significant Traffickers in Persons. —

(1) In general. --Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees—

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

(2) Removal of sanctions. —Upon suspending or terminating any action imposed under the authority of subsection (a), the President shall report to the committees described in paragraph (1) on such suspension or termination.

(3) Submission of classified information. --Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

(c) Law Enforcement and Intelligence Activities Not Affected. --Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(d) Exclusion of Persons Who Have Benefited From Illicit Activities of Traffickers in Persons. --Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting at the end the following new subparagraph:

“(H) Significant traffickers in persons. —

“(i) In general. --Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

“(ii) Beneficiaries of trafficking. --Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

“(iii) Exception for certain sons and daughters. --Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.”.

(e) Implementation. —

(1) Delegation of authority. --The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).

(2) Promulgation of rules and regulations. --The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.

(3) Opportunity for review. --Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).

(f) Definition of Foreign Persons.--In this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(g) Construction. --Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).

## **SEC. 112. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.**

(a) Title 18 Amendments. --Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking “10 years” and inserting “20 years”; and

(B) by adding at the end the following: “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.”;

(2) **SALE INTO INVOLUNTARY SERVITUDE.** —Section 1584 of such title is amended—by striking “Whoever” and inserting the following: “(a) Whoever”; and by adding at the end the following: “(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).”.

(3) by inserting at the end the following:

**Sec. 1583. Enticement into slavery**

(a) Whoever—

- (1) kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave;
- (2) entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he or she may be made or held as a slave, or sent out of the country to be so made or held; or
- (3) obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned not more than 30 years, or both.

(b) Whoever violates this section shall be fined under this title, imprisoned for any term of years or for life, or both if—

- (1) the violation results in the death of the victim; or
- (2) the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, an attempt to commit aggravated sexual abuse, or an attempt to kill.”.

**Sec. 1589. Forced labor**

(a) Whoever knowingly provides or obtains the labor or services of a Person by any one of, or by any combination of, the following means –

- (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- (2) By means of serious harm or threats of serious harm to that person or another person;
- (3) by means of the abuse or threatened abuse of law or the legal process; or
- (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; shall be punished as provided under subsection (d)

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

- (1) The terms ‘abuse or threatened abuse of law or legal process’ means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
- (2) The term ‘serious harm’ means harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both.

**Sec. 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor**

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. 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.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

**Sec. 1591. Sex trafficking of children or by force, fraud, or coercion**

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or by any combination of such means, will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or any combination of such means or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 25 years, or both.

(e) In this section:

(1) The term ‘abuse or threatened abuse of law or legal process’ means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action

(2) The term ‘coercion’ means—

(A) threats of serious harm to or physical restraint against any person;

(B) 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; or

(C) the abuse or threatened abuse of law or the legal process

(3) The term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.

(4) The term 'serious harm' means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, 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.'

(5) The term 'venture' means any group of two or more individuals associated in fact, whether or not a legal entity.

### **Sec. 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor**

((a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

((1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

((2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

((3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.

((b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

### **Sec. 1593. Mandatory restitution**

((a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

(b)

(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(4) The forfeiture of property under this subsection shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C 853)

“(c) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

#### **1593A. Benefitting financially from peonage, slavery, and trafficking in persons**

‘Whoever knowingly benefits, financially or by receiving any- thing of value, from participation in a venture which has engaged in any act in violation of this chapter, knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

#### **Sec. 1594. General provisions**

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) Whoever conspires with another to violate section 1581,1583,1589,1590, or 1592 shall be punished in the same manner as a completed violation of such section

(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(e)

(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

1589. Forced labor.

1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

1591. Sex trafficking of children or by force, fraud, or coercion.

1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.

1593. Mandatory restitution.

1593A. Benefitting financially from peonage, slavery, and trafficking persons

1594. General provisions.'

1595. Civil remedy

1595A. Civil injunctions

1596. Additional jurisdiction in certain trafficking offenses

1597. Unlawful conduct with respect to immigration documents

(f) Witness Protection. --Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection)."; and

**Sec. 1595 Civil Remedy: Private Right of Action:**

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)

(1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a 'criminal action' includes investigation and prosecution and is pending until final adjudication in the trial court."

(c) No action may be maintained under this section unless it is commenced not later than 10 years after the cause of action arose

**Sec. 1595A. Civil injunctions**

“(a) IN GENERAL.—Whenever it shall appear that any person is engaged or is about to engage in any act that constitutes or will constitute a violation of this chapter, chapter 110, or chapter 117, or a conspiracy under section 371 to commit a violation of this chapter, chapter 110, or chapter 117, the Attorney General may bring a civil action in a district court of the United States seeking an order to enjoin such act.

“(b) ACTION BY COURT.—The court shall proceed as soon as practicable to the hearing and determination of a civil action brought under subsection (a), and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the civil action is brought.

(c) PROCEDURE. —

“(1) IN GENERAL. —A proceeding under this section shall be governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.



“(2) SEALED PROCEEDINGS. —If a civil action is brought under subsection (a) before an indictment is returned against the respondent or while an indictment against the respondent is under seal—

“(A) the court shall place the civil action under seal; and

“(B) when the indictment is unsealed, the court shall unseal the civil action unless good cause exists to keep the civil action under seal.

(d) Rule of Construction – Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States

### **Sec. 1596. Additional jurisdiction in certain trafficking offenses**

(a) IN GENERAL. —In addition to any domestic or extra-territorial jurisdiction otherwise provided by law, the courts of the United States have extra-territorial jurisdiction over any offense (or any attempt or conspiracy to commit an offense) under section 1581, 1583, 1584, 1589, 1590, or 1591 if—

(1) an alleged offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or

(2) an alleged offender is present in the United States, irrespective of the nationality of the alleged offender.

(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

### **Sec. 1597. Unlawful conduct with respect to immigration documents**

(a) Destruction, Concealment, Removal, Confiscation, or Possession of Immigration Documents. --It shall be unlawful for any person to knowingly destroy, conceal, remove, confiscate, or possess, an actual or purported passport or other immigration document of another individual

(1) in the course of violating section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324);

(2) with intent to violate section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

(3) in order to, without lawful authority, maintain, prevent, or restrict the labor of services of the individual.

(b) Penalty. --Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

(c) Obstruction. --Any person who knowingly obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b).

(b) Amendment to the Sentencing Guidelines. —

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the

sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offense, and possession, transfer, or sale of false immigration documents in furtherance of trafficking, and the Fair Labor

Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall—

- (A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;
- (B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and
- (C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—
  - (i) involve a large number of victims;
  - (ii) involve a pattern of continued and flagrant violations;
  - (iii) involve the use or threatened use of a dangerous weapon; or
  - (iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(4) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis, which shall include, not later than 2 years after the date of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center

(5) DETENTION. —Section 3142(e) of title 18, United States Code, is amended—

- (i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;
- (ii) by inserting “(1)” before “If, after a hearing”;
- (iii) by inserting “(2)” before “In a case”;
- (iv) by inserting “(3)” before “Subject to rebuttal”;
- (v) by striking “paragraph (1) of this subsection” each place it appears and inserting “subparagraph (A)”;
- (vi) in paragraph (3), as redesignated—
  - (I) by striking “committed an offense” and inserting the following: “committed—“(A) an offense”;
  - (II) by striking “46, an offense” and inserting the following: “46; “(B) an offense”;
  - (III) by striking “title, or an offense” and inserting the following: “title; “(C) an offense”;and
- (IV) by striking “prescribed or an offense” and inserting the following: “prescribed; “(D) an offense under chapter 77 of this title for which a maximum term of imprisonment of 20 years or more is prescribed; or “(E) an offense”.

(6) RELEASE AND DETENTION. —Subsections (f)(1)(A) and (g)(1) of section 3142 of title 18, United States Code, are amended by striking “violence,” each place such term appears and inserting “violence, a violation of section 1591,”.

(i) SUBPOENAS. —Section 3486(a)(1)(D) of title 18, United States Code, is amended by inserting “1591,” after “1201,”.

(ii) REPEAT OFFENDERS. —Section 2426(b)(1)(A) of title 18, United States Code, is amended, by striking “or chapter 110” and inserting “chapter 110, or section 1591”.

(7) RETALIATION IN FOREIGN LABOR CONTRACTING. —Chapter 63 of title 18, United States Code, is amended—in the chapter heading, by adding at the end the following: “AND OTHER FRAUD OFFENSES”; by adding at the end the following:

**“§ 1351. Fraud in foreign labor contracting**

“Whoever knowingly and with intent to defraud recruits, solicits or hires a person outside the United States for purposes of employment in the United States by means of materially false or fraudulent pretenses, representations or promises regarding that employment shall be fined under this title or imprisoned for not more than 5 years, or both.”; and

(1) in the table of sections, by inserting after the item relating to section 1350 the following:

“1351. Fraud in foreign labor contracting.”

(8) AMENDMENT TO SENTENCING GUIDELINES. —Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien harboring to ensure conformity with the sentencing guidelines applicable to persons convicted of promoting a commercial sex act if—

(i) the harboring was committed in furtherance of prostitution; and

(ii) the defendant to be sentenced is an organizer, leader, manager, or supervisor of the criminal activity

**(c) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT. —**

(1) NONIMMIGRANT ALIEN CLASSES. —Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(A) in clause (i)(III)(bb), by striking “15 years of age,” and inserting “18 years of age,”; and

(B) in clause (ii)(I), by inserting “unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause,” before “and parents”.

(C) T VISAS. —Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(i) in clause (i)—

(ii) in the matter preceding subclause (I), by striking “Security and the Attorney General jointly;” and inserting “Security, in consultation with the Attorney General;”;

(iii) in subclause (I), by striking the comma at the end and inserting a semicolon;

(iv) in subclause (II), by adding at the end the following: “including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes associated with an act or a perpetrator of trafficking;”;

(v) in subclause (III)—

(I) in item (aa), by striking “or” at the end;

(II) by redesignating item (bb) as item (cc);

(III) by inserting after item (aa) the following: “(bb) in consultation with the Attorney General, as appropriate, is unable to cooperate with a request described in item (aa) due to physical or psychological trauma; or”; and

(IV) in item (cc), as redesignated, by striking “, and” at the end and inserting “; and”;

(vi) in subclause (IV), by adding “and” at the end;

(D) in clause (ii)

(i) in subclause (I), by striking “or” at the end;

(ii) in subclause (II), by striking “and” at the end and inserting “or”; and

(iii) by adding at the end the following:

“(III) any parent or unmarried sibling under 18 years of age of an alien described in subclause (I) or (II) who the Secretary of Homeland Security, in consultation with the law enforcement officer investigating a severe form of trafficking, determines

faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement."'; and

(E) by striking clause (iii).

(F) Section 101(a)(15)(T)(ii)(III) is amended by inserting", or any adult or minor children of a derivative beneficiary of the alien, as" after "age".

(G) Section 101 (a) (15)(U)(iii) is amended by inserting "fraud in foreign labor contracting (as defined in section 1351 of title 18, United States Code);" after "perjury;

(2) **ADMISSION OF NONIMMIGRANTS.** —Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended—

(A) in paragraph (3), by inserting "siblings," before "or parents"; and

(B) by adding at the end the following:

"(4) An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(T)(i), and who was under 21 years of age on the date on which such parent applied for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(T)(ii), if the alien attains 21 years of age after such parent's application was filed but while it was pending.

(5) An alien described in clause (i) of section 101(a)(15)(T) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

(6) In making a determination under section 101(a)(15)(T)(i)(III)(aa) with respect to an alien, statements from State and local law enforcement officials that the alien has complied with any reasonable request for assistance in the investigation or prosecution of crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000) appear to have been involved, shall be considered."

(3) ADJUSTMENT OF STATUS. —Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) (as added by section 107(f) of Public Law 106–386) is amended

(A) in paragraph (1)—

(i) by striking “admitted under that section” and inserting “admitted under section 101(a)(15)(T)(ii)”;

(ii) by inserting “sibling,” after “parent,”; and

(iii) in the matter preceding subparagraph (A), by striking “the Attorney General,” and inserting “in the opinion of the Secretary of Homeland Security, in consultation with the Attorney General, as appropriate”;

(iv) In subparagraph (B) —

(I) By inserting “subject to paragraph (6)” after “(B)”;

(II) By striking “, and” and inserting “; and”;

(v) In subparagraph (C) —

(I) In clause (i), by striking “, or” and inserting a semicolon;

(II) In clause (ii) by striking “, or in the case of subparagraph (C)(i), the Attorney General, as appropriate”;

(III) By striking the period at the end and inserting the following: “;or “(iii) was younger than 18 years of age at the time of the victimization qualifying the alien for relief under section 101(a)(15)(T).”;

(B) in paragraph (3)(B), by inserting “siblings,” after “daughters,”.

(C) In paragraph (3), by striking the period at the end and inserting the following: “unless—

(i) the absence was necessary to assist in the investigation or prosecution described in paragraph (1)(A); or

(ii) an official involved in the investigation or prosecution certifies that the absence was otherwise justified.”

(D) By adding at the end the following:

(i) (6) For purposes of paragraph (1)(B), the Secretary of Homeland Security may waive consideration of a disqualification from good moral character with respect to an alien if the disqualification was caused by, or incident to, the trafficking described in section 101(a)(15)(T)(i)(I).

(ii) (7) The Secretary of Homeland Security shall permit aliens to apply for a waiver of any fees associated with filing an application for relief through final adjudication of the adjustment of status for a VAWA self-petitioner and for relief under sections 101(a)(15)(T), 101(a)(15)(U), 106, 240A(b)(2), and 244(a)(3) (as in effect on March 31, 1997).”

(4) EXEMPTION FROM PUBLIC CHARGE GROUND FOR INADMISSIBILITY. —Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)), as added by section 107(e)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(3)), is amended—

(A) in subparagraph (A), by striking the period at the end and adding the following: “, except that the ground for inadmissibility described in subsection (a)(4) shall not apply with respect to such a nonimmigrant.”; and

(B) in subparagraph (B)—

(i) by amending clause (i) to read as follows: “(i) subsection (a)(1); and”;

(ii) in clause (ii)—

(I) by striking “such subsection” and inserting “subsection (a)”; and

(II) by inserting “(4),” after “(3),”.

(5) AGGRAVATED FELONY DEFINED. —Section 101(a)(43)(K)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(K)(iii)) is amended to read as follows: “(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);”.

(6) REQUIREMENTS FOR T VISA ISSUANCE. —Section 214(o)(7) of the Immigration and Nationality Act (8 U.S.C. 1184(o)(7)) is amended—

(A) in subparagraph (B)—

(i) by striking “subparagraph (A) if a Federal” and inserting the following: “subparagraph (A) if— “(i) a Federal”;

(ii) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(ii) the alien is eligible for relief under section 245(l) and is unable to obtain such relief because regulations have not been issued to implement such section; or

“(iii) the Secretary of Homeland Security determines that an extension of the period of such nonimmigrant status is warranted due to exceptional circumstances.”; and

(B) by adding at the end the following:

“(C) Nonimmigrant status under section 101(a)(15)(T) shall be extended during the pendency of an application for adjustment of status under section 245(l).”.

(7) CONDITIONS ON NONIMMIGRANT STATUS FOR CERTAIN CRIME VICTIMS. —Section 214(p)(6) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(6)) is amended by adding at the end the following: “The Secretary of Homeland Security may extend, beyond the 4- year period authorized under this section, the authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) if the Secretary determines that an extension of such period is warranted due to exceptional circumstances. Such alien’s non- immigrant status shall be extended beyond the 4-year period authorized under this section if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended during the pendency of an application for adjustment of status under section 245(m). The Secretary may grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U).”.

(8) ADJUSTMENT OF STATUS FOR CRIME VICTIMS. —Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 1255(m)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “unless the Attorney General” and inserting “unless the Secretary”; and

(B) by adding at the end the following:

“(5)(A) The Secretary of Homeland Security shall consult with the Attorney General, as appropriate, in making a determination under paragraph (1) whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a Federal law enforcement official, Federal prosecutor, Federal judge, or other Federal authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii).

(B) Nothing in paragraph (1)(B) may be construed to prevent the Secretary from consulting with the Attorney General in making a determination whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a State or local

law enforcement official, State or local prosecutor, State or local judge, or other State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii).”

(9) RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

(d)(1) If the Secretary of Homeland Security determines that an application for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) filed for an alien in the United States sets forth a prima facie case for approval, the Secretary may grant the alien an administrative stay of a final order of removal under section 241(c)(2) until—

(A) the application for nonimmigrant status under such subparagraph (T) or (U) is approved; or

(B) there is a final administrative denial of the application for such nonimmigrant status after the exhaustion of administrative appeals.

(2) The denial of a request for an administrative stay of removal under this subsection shall not preclude the alien from applying for a stay of removal, deferred action, or a continuance or abeyance of removal proceedings under any other provision of the immigration laws of the United States.

(3) During any period in which the administrative stay of removal is in effect, the alien shall not be removed.

(4) Nothing in this subsection may be construed to limit the authority of the Secretary of Homeland Security or the Attorney General to grant a stay of removal or deportation in any case not described in this subsection

(b) GROUND OF REMOVABILITY. —Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) TRAFFICKING. —Any alien described in section 212(a)(2)(H) is deportable.”.

(10) PAROLE FOR DERIVATIVES OF TRAFFICKING VICTIMS. —Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

“(6) RELATIVES OF TRAFFICKING VICTIMS. —

“(A) IN GENERAL. —Upon written request by a law enforcement official, the Secretary of Homeland Security may parole under section 212(d)(5) any alien who is a relative of an alien granted continued presence under section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)), if the relative—

“(i) was, on the date on which law enforcement applied for such continued presence—

“(I) in the case of an alien granted continued presence who is under 21 years of age, the spouse, child, parent, or unmarried sibling under 18 years of age, of the alien; or

“(II) in the case of an alien granted continued presence who is 21 years of age or older, the spouse or child of the alien; or

“(ii) is a parent or sibling of the alien who the requesting law enforcement official, in consultation with the Secretary of Homeland Security, as appropriate, determines to be in present danger of retaliation as a result of the alien’s escape from the severe form of trafficking or cooperation with law enforcement, irrespective of age.



“(B) DURATION OF PAROLE. —

“(i) IN GENERAL. —The Secretary may extend the parole granted under subparagraph (A) until the final adjudication of the application filed by the principal alien under section 101(a)(15)(T)(ii).

“(ii) OTHER LIMITS ON DURATION. —If an application described in clause (i) is not filed, the parole granted under subparagraph (A) may extend until the later of—

“(I) the date on which the principal alien’s authority to remain in the United States under section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)) is terminated; or

“(II) the date on which a civil action filed by the principal alien under section 1595 of title 18, United States Code, is concluded.

“(iii) DUE DILIGENCE. —Failure by the principal alien to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) of subparagraph (A), or in pursuing the civil action described in clause (ii)(II) (as determined by the Secretary of Homeland Security in consultation with the Attorney General), may result in revocation of parole. “

(C) OTHER LIMITATIONS. —A relative may not be granted parole under this paragraph if—

“(i) the Secretary of Homeland Security or the Attorney General has reason to believe that the relative was knowingly complicit in the trafficking of an alien permitted to remain in the United States under section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)); or

“(ii) the relative is an alien described in paragraph (3) of section 212(a) or paragraph (2) or (4) of section 237(a).”

(11) TIGHTENING IMMIGRATION PROHIBITIONS. —GROUND OF INADMISSIBILITY FOR TRAFFICKING.

—Section 212(a)(2)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(H)(i)) is amended by (a) striking “who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000” and inserting “who commits or conspires to commit human trafficking offenses in the United States or outside the United States

(b) striking “consular officer” and inserting “consular officer, the Secretary of Homeland Security, the Secretary of State

(12) RESTRICTION OF PASSPORTS FOR SEX TOURISM.

(a) IN GENERAL. —Following any conviction of an individual for a violation of section 2423 of title 18, United States Code, the Attorney General shall notify in a timely manner—

(1) the Secretary of State for appropriate action under subsection (b); and the

(2) Secretary of Homeland Security for appropriate action under the Immigration and Nationality Act.

(b) AUTHORITY TO RESTRICT PASSPORT. —

(1) INELIGIBILITY FOR PASSPORT. —

(A) IN GENERAL. —The Secretary of State shall not issue a passport or passport card to an individual who is convicted of a violation of section 2423 of title 18, United States Code, during the covered period if the individual used a passport or passport card or otherwise crossed an international border in committing the offense.

(B) PASSPORT REVOCATION. —The Secretary of State shall revoke a passport or passport card previously issued to an individual described in subparagraph (A).

(2) EXCEPTIONS. —

(A) EMERGENCY AND HUMANITARIAN SITUATIONS. —Notwithstanding paragraph (1), the Secretary of State may issue a passport or passport card, in emergency circumstances or for humanitarian reasons, to an individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES. —Notwithstanding paragraph (1), the Secretary of State may, prior to revocation, limit a previously issued passport or passport card only for return travel to the United States, or may issue a limited passport or passport card that only permits return travel to the United States.

(3) DEFINITIONS. —In this subsection—

(A) the term “covered period” means the period beginning on the date on which an individual is convicted of a violation of section 2423 of title 18, United States Code, and ending on the later of—

(i) the date on which the individual is released from a sentence of imprisonment relating to the offense; and

(ii) the end of a period of parole or other supervised release of the covered individual relating to the offense; and

(B) the term “imprisonment” means being confined in or otherwise restricted to a jail, prison, half-way house, treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a criminal conviction.

## **SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.**

(a) The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

(1) The economic causes and consequences of trafficking in persons.

(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

(3) The interrelationship between trafficking in persons and global health risks.”.

(1) CONFORMING AMENDMENT. —The table of contents of the Victims of Trafficking and Violence Protection Act of 2000 is amended by inserting after the item relating to section 112 the following new item:

“Sec. 112A. Research on domestic and international trafficking in persons.”.

(2) DEFINITION OF RACKETEERING ACTIVITY. —Section 1961(1)(A) of title 18, United States Code, is amended by striking “sections 1581–1588 (relating to peonage and slavery)” and inserting “sections 1581–1592 (relating to peonage, slavery, and trafficking in persons).”.

(3) CONFORMING AMENDMENTS. —

(A) The heading for chapter 77 of part I of title 18, United States Code, is amended to read as follows:

“CHAPTER 77 – Peonage, Slavery, and Trafficking in Person”

(B) The table of contents for part I of title 18, United States Code, is amended in the item relating to chapter 77 to read as follows:

**“77. Peonage, slavery, and trafficking in persons”.**

**(b) ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER. —**

(1) **In General** -- The research initiatives described in paragraphs (4) and (5) of subsection (a) shall be carried out by the Human Smuggling and Trafficking Center, established under section 7202 of the 9/11 Commission Implementation Act of 2004.

(2) **Database** – The database described in subsection (a)(5) shall be established by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking, consistent with the protection of sources and methods, and, to the maximum extent practicable, applicable data from relevant international organization, to –

(A) improve the coordination of data related to trafficking in persons by each agency of the United States Government that collects such data;

(B) promote uniformity of such data collection and standards and systems related to such collection;

(C) undertake a meta-analysis of patterns of trafficking in persons, slavery, and slave-like conditions to develop and analyze global trends in human trafficking

(D) identify emerging issues in human trafficking and establishing integrated methods to combat them; and

(E) identify research priorities to respond to global patterns and emerging issues.

(3) **CONSULTATION.** —The database established in accordance with paragraph (2) shall be maintained in consultation with the Director of the Office to Monitor and Combat Trafficking in Persons of the Department of State.

(4) **AUTHORIZATION OF APPROPRIATIONS.** —There are authorized to be appropriated \$1,000,000 to the Human Smuggling and Trafficking Center for each of the fiscal years 2018 through 2021 to carry out the activities described in this subsection.

**SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.**

(a) **ESTABLISHMENT OF AWARD.** —The President is authorized to establish an award, to be known as the ‘Presidential Award for Extraordinary Efforts To Combat Trafficking in Persons’, for extraordinary efforts to combat trafficking in persons. To the maximum extent practicable, the Secretary of State shall present the award annually to not more than 5 individuals or organizations, including—

(1) individuals who are United States citizens or foreign nationals; and

(2) United States or foreign nongovernmental organizations.

(b) **SELECTION.** —The President shall establish procedures for selecting recipients of the award authorized under subsection (a).

(c) **CEREMONY.** —The Secretary of State shall host an annual ceremony for recipients of the award authorized under subsection (a) as soon as practicable after the date on which the Secretary submits to Congress the report required under section 110(b)(1). The Secretary of State may pay the travel costs of each recipient and a guest of each recipient who attends the ceremony.

(d) **AUTHORIZATION OF APPROPRIATIONS.** —There are authorized to be appropriated, for each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out this section.’

**SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) **Authorization of Appropriations in Support of the Task Force.** --

There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, \$13,822,000 for Diplomatic and Consular Programs of the Office to Monitor and Combat Trafficking in Persons, which shall be used to carry out sections 105(e), 105(f), and 110, including for additional personnel.

(b) Authorization of Appropriations to the Secretary of Health and Human Services. –

(1) **Eligibility for Benefits and Assistance – To carry out** the purposes of sections 106(b) and 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services \$19,500,000 for each of the fiscal years 2018 through 2021, of which \$3,500,000 is authorized to be appropriated for each fiscal year for the National Human Trafficking Hotline.

(2) **Additional Benefits for Trafficking Victims – To carry out the purposes of section 107 (f), there are authorized to be appropriated** \$8,000,000 to the Secretary of Health and Human Services for each of the fiscal years 2018 through 2021.

(c) Authorization of Appropriations to the Secretary of State

(1) ASSISTANCE TO COMBAT TRAFFICKING. —There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, \$65,000,000, which shall be used—

(A) to carry out sections 106 and 107(a);

(B) to carry out section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d);

(C) to assist countries in meeting the minimum standards described in section 108; and

(D) for programs and activities on prevention, protection, and prosecution to combat all forms of trafficking in persons internationally, including training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.

(2) Preparation of annual country reports on human rights. - To carry out the purposes of sections 116(f) and 502B(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(f) and 2304(h)), there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices.

(d) Authorization of Appropriations to Attorney General. —

(1) Eligibility for Benefits and Assistance – To carry out the purposes of section 107(b) there are authorized to be appropriated to the Attorney General \$77,000,000 for each of the fiscal years 2018 through 2021.

(2) Assistance to Foreign Countries – To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting 2008 through 2011 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies

(3) ADDITIONAL BENEFITS FOR TRAFFICKING VICTIMS. —To carry out the purposes of section 107(f), there are authorized to be appropriated \$11,000,000 to the Attorney General for each of the fiscal years 2018 through 2021.

(e) Authorization of Appropriations to President. —

(1) Foreign victim assistance. --To carry out the purposes of section 106, there are authorized to be appropriated to the President \$7,500,000 for each of the fiscal years 2014 through 2017.

(2) Assistance to foreign countries to meet minimum standards. --To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d), there are authorized to be appropriated to the President \$7,500,000 for each of the fiscal years 2014 through 2017.

(3) RESEARCH. —To carry out the purposes of section 112A, there are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2008 through 2011.

(f) Authorization of Appropriations to the Secretary of Labor.--To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for each of the fiscal years 2018 through 2021.

(g) Limitation on Use of Funds —

(1) RESTRICTION ON PROGRAMS. —No funds made available to carry out this division, or any amendment made by this division, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

(2) RESTRICTION ON ORGANIZATIONS.—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(9)(A) of this Act through any organization that has

not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.

(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI. —There are authorized to be appropriated to the Director of the Federal Bureau of Investigation \$15,000,000 for each of the fiscal years 2008 through 2011, to remain available until expended, to investigate severe forms of trafficking in persons.

(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY. —There are authorized to be appropriated to the Secretary of Homeland Security, \$18,000,000 for each of the fiscal years 2018 through 2021, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.”.

(j) AUTHORIZATION OF APPROPRIATIONS UNDER THE INTER- NATIONAL MEGAN’S LAW.

Section 11 of the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (34 U.S.C. 21509) is amended by striking “2017 and 2018” and inserting “2018 through 2021”.

(k) AUTHORIZATION OF APPROPRIATIONS FOR AIRPORT PERSONNEL TRAINING TO IDENTIFY AND REPORT HUMAN TRAFFICKING VICTIMS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection \$250,000 for each of the fiscal years 2018 through 2021 to expand outreach and live on- site anti-trafficking training for airport and airline personnel.

## TITLE II—COMBATING DOMESTIC TRAFFICKING IN PERSONS

### SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.

(a) PROGRAM TO REDUCE TRAFFICKING IN PERSONS AND DEMAND FOR COMMERCIAL SEX ACTS IN THE UNITED STATES. —

(1) COMPREHENSIVE RESEARCH AND STATISTICAL REVIEW AND ANALYSIS OF INCIDENTS OF TRAFFICKING IN PERSONS AND COMMERCIAL SEX ACTS. —

(A) IN GENERAL. —The Attorney General shall use available data from State and local authorities as well as research data to carry out a biennial comprehensive research and statistical review and analysis of severe forms of trafficking in persons, and a biennial comprehensive research and statistical review and analysis of sex trafficking and unlawful commercial sex acts in the United States and shall submit to Congress separate biennial reports on the findings.

(B) CONTENTS. —The research and statistical review and analysis under this paragraph shall consist of two separate studies, utilizing the same statistical data where appropriate, as follows:

(i) The first study shall address severe forms of trafficking in persons in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and

(II) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in acts of severe forms of trafficking in persons by States and their political subdivisions.

(ii) The second study shall address sex trafficking and unlawful commercial sex acts in the United States and shall include, but need not be limited to—

- (I) the estimated number and demographic characteristics of persons engaged in sex trafficking and commercial sex acts, including purchasers of commercial sex acts;
- (II) the estimated value in dollars of the commercial sex economy, including the estimated average annual personal income derived from acts of sex trafficking;
- (III) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts, including purchasers of commercial sex acts, by States and their political subdivisions; and
- (IV) a description of the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States.

(2) TRAFFICKING CONFERENCE. —

(A) IN GENERAL. —The Attorney General, in consultation and cooperation with the Secretary of Health and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall

- (i) announce and evaluate the findings contained in the research and statistical reviews carried out under paragraph (1);
- (ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws;
- (iii) disseminate best methods and practices for training State and local law enforcement personnel on the enforcement of laws prohibiting sex trafficking and commercial sex acts, including, but not limited to, best methods for investigating and prosecuting exploiters and persons who solicit or purchase an unlawful commercial sex act; and
- (iv) disseminate best methods and practices for training State and local law enforcement personnel on collaborating with social service providers and relevant nongovernmental organizations and establishing trust of persons subjected to commercial sex acts or severe forms of trafficking in persons.

(B) PARTICIPATION. —Each annual conference conducted under this paragraph shall involve the participation of persons with expertise or professional responsibilities with relevance to trafficking in persons, including, but not limited to—

- (i) Federal Government officials, including law enforcement and prosecutorial officials;
- (ii) State and local government officials, including law enforcement and prosecutorial officials;
- (iii) persons who have been subjected to severe forms of trafficking in persons or commercial sex acts;
- (iv) medical personnel;
- (v) social service providers and relevant nongovernmental organizations; and
- (vi) academic experts.

(C) REPORTS. —The Attorney General and the Secretary of Health and Human Services shall prepare and post on the respective Internet Web sites of the Department of Justice and the Department of Health and Human Services reports on the findings and best practices identified and disseminated at the conference described in this paragraph.

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

- (1) \$1,500,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in subsection (a)(1)(B)(i) and \$2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(ii); and
- (2) \$250,000 for each of the fiscal years 2014 through 2021 to carry out the activities described in subsection (a)(2).

## **SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.**

(a) Definitions – In this section:

- (1) Assistant Secretary – the term ‘Assistant Secretary’ means the Assistant Secretary for Children and Families of the Department of Health and Human Services
- (2) Assistant attorney general. --The term ‘Assistant Attorney General’ means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.
- (3) Eligible entity. --The term ‘eligible entity’ means a State or unit of local government that—
  - (A) has significant criminal activity involving sex trafficking of minors;
  - (B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;
  - (C) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—
    - (i) building or establishing a residential care facility for minor victims of sex trafficking;
    - (ii) the provision of rehabilitative care to minor victims of sex trafficking;
    - (iii) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;
    - (iv) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;
    - (v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and
    - (vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and
  - (D) provides assurance that a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to residential care or services provided with a grant under this section.
- (4) Minor victim of sex trafficking. --The term ‘minor victim of sex trafficking’ means an individual who—
  - (A) is younger than 18 years of age, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or
  - (B)
    - (i) is not younger than 18 years of age nor older than 20 years of age;
    - (ii) before the individual reached 18 years of age, was described in subparagraph (A); and
    - (iii) was receiving shelter or services as a minor victim of sex trafficking.
- (5) Qualified nongovernmental organization. --The term ‘qualified nongovernmental organization’ means an organization that—
  - (A) is not a State or unit of local government, or an agency of a State or unit of local government;
  - (B) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and



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

(6) Sex trafficking of a minor. --The term `sex trafficking of a minor' means an offense described in section 1591

(a) of title 18, United States Code, or a comparable State law, against a minor.

(b) Sex Trafficking Block Grants—

(1) Grants authorized

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

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

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

(D) Duration—

(i) In General – A grant made under this section shall be for a period of 1 year.

(ii) Renewal –

(I) In general – The Assistant Attorney General may renew a grant under this section for up to 3 1-year periods.

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

(E) Consultation – In carrying out this section, the Assistant Attorney General shall consult with the Assistant Secretary with respect to –

(i) Evaluations of grant recipients under paragraph (4);

(ii) Avoiding unintentional duplication of grants; and

(iii) Any other areas of shared concern.

(2) Use of funds. —

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

(B) Authorized activities. --Grants awarded pursuant to paragraph (2) may be used for—

(i) providing residential care to minor victims of sex trafficking, including temporary or long-term placement as appropriate;

(ii) 24-hour emergency social services response for minor victims of sex trafficking;

(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

- (iv) case management services for minor victims of sex trafficking;
- (v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;
- (vi) legal services for minor victims of sex trafficking;
- (vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors and severe forms of trafficking in persons;
- (viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors;
- (ix) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—
  - (I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and
  - (II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor; and
- (x) screening and referral of minor victims of severe forms of trafficking in persons.

(3) Application. —

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

(B) Contents. --Each application submitted pursuant to subparagraph (A) shall—

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

(4) Evaluation. --The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of each grant made under this section to determine the impact and effectiveness of programs funded with the grant.

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

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

(E) Administrative Cap.--The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

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

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

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

(H) No Limitation on Section 204 Grants. --An entity that applies for a grant under section 204 is not prohibited from also applying for a grant under this section.

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

(J) GAO Evaluation. --Not later than 30 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains--

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

(K) GRANT PROGRAM.—The Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to establish, develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(L) SELECTION FACTOR. —In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation as a part of their proposed project.

(M) LIMITATION ON FEDERAL SHARE. —The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(N) AUTHORIZATION OF APPROPRIATIONS. —There are authorized to be appropriated \$8,000,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in this section.

## **SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.**

(a) ESTABLISHMENT OF PILOT PROGRAM. —Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

(b) PURPOSES. —The purposes of the pilot program established pursuant to subsection (a) are to—

- (1) provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;
- (2) assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the most efficient and cost-effective means of providing such facilities; and
- (3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

(c) SELECTION OF SITES. —The Secretary of Health and Human Services shall select three sites at which to operate the pilot program established pursuant to subsection (a).

(d) FORM OF ASSISTANCE. —In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations that—

- (1) have relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation; or
- (2) have entered into partnerships with organizations that have expertise as described in paragraph (1) for the purpose of implementing the contracts or grants.

(e) REPORT. —Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) DEFINITION.—In this section, the term “juvenile subjected to trafficking” means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.

(g) AUTHORIZATION OF APPROPRIATIONS. —There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section \$5,000,000 for each of the fiscal years 2008 through 2011.

## **SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.**

(a) ESTABLISHMENT OF GRANT PROGRAM FOR LAW ENFORCEMENT. —

(1) IN GENERAL. —The Attorney General may make grants to States and local law enforcement agencies to establish, develop, expand, or strengthen programs—

- (A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses, that occur, in whole or in part, within the territorial jurisdiction of the United States;
- (B) to train law enforcement personnel how to identify victims of severe forms of trafficking in persons and related offenses;
- (C) to investigate and prosecute persons who engage in the purchase of commercial sex acts and prioritize the investigations and prosecutions of those cases involving minor victims;
- (D) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts;
- (E) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts; and
- (F) as appropriate, to designate at least 1 prosecutor for cases of severe forms of trafficking in persons (as such term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))).

- (2) DEFINITION. —In this subsection, the term “related offenses” includes violations of tax laws, transacting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.
- (b) MULTI-DISCIPLINARY APPROACH REQUIRED. —Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental organizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.
- (c) LIMITATION ON FEDERAL SHARE. —The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.
- (d) No Limitation on Section 202 Grant Applications – An entity that applies for a grant under section 202 is not prohibited from also applying for a grant under this section.
- (e) AUTHORIZATION OF APPROPRIATIONS. —There are authorized to be appropriated to the Attorney General to carry out this section \$10,000,000 for each of the fiscal years 2014 through 2021.
- (f) GAO Evaluation and Report. --Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—
- (1) the ability of law enforcement personnel to identify victims of severe forms of trafficking in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and
  - (2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).

## **SEC. 206. SENIOR POLICY OPERATING GROUP.**

- (a) Each Federal department or agency involved in grant activities related to combating trafficking or providing services to persons subjected to trafficking inside the United States shall apprise the Senior Policy Operating Group established by section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).
- (b) It is the sense of Congress that the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)) should create a working group to examine the role of demand reduction, both domestically and internationally, in achieving the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) and the Justice for Victims of Trafficking Act (Public Law 114–22; 129 Stat. 227).

## **SEC. 207. PROTECTIONS FOR DOMESTIC WORKERS AND OTHER NON- IMMIGRANTS.**

- (a) INFORMATION PAMPHLET AND VIDEO FOR CONSULAR WAITING ROOMS. —
- (1) DEVELOPMENT AND DISTRIBUTION. —The Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the Secretary of Labor, shall develop an information pamphlet and video on legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas. The video shall be distributed and shown in consular waiting rooms in embassies and consulates appropriate to the circumstances that are determined to have the greatest concentration of employment or education-based non-immigrant visa applicants, and where sufficient video facilities exist in waiting or other rooms where applicants wait or convene. The Secretary of State is authorized to augment video facilities in such consulates or embassies in order to fulfill the purposes of this section.

(2) CONSULTATION. —In developing the information pamphlet under paragraph (1), the Secretary of State shall consult with nongovernmental organizations with expertise on the legal rights of workers and victims of severe forms of trafficking in persons.

(b) CONTENTS. —The information pamphlet and video developed under subsection (a) shall include information concerning items such as—

- (1) the nonimmigrant visa application processes, including information about the portability of employment;
- (2) the legal rights of employment or education-based non-immigrant visa holders under Federal immigration, labor, and employment law;
- (3) the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;
- (4) the legal rights of immigrant victims of trafficking in persons and worker exploitation, including—
  - (A) the right of access to immigrant and labor rights groups;
  - (B) the right to seek redress in United States courts;
  - (C) the right to report abuse without retaliation;
  - (D) the right of the nonimmigrant to relinquish possession of his or her passport to his or her employer;
  - (E) the requirement of an employment contract between the employer and the nonimmigrant; and
  - (F) an explanation of the rights and protections included in the contract described in subparagraph (E); and
- (5) information about nongovernmental organizations that provide services for victims of trafficking in persons and worker exploitation, including—
  - (A) anti-trafficking in persons telephone hotlines operated by the Federal Government;
  - (B) the Operation Rescue and Restore hotline; and
  - (C) a general description of the types of victims services available for individuals subject to trafficking in persons or worker exploitation.

(c) TRANSLATION. —

(1) IN GENERAL. —To best serve the language groups having the greatest concentration of employment-based nonimmigrant visas, the Secretary of State shall translate the information pamphlet and produce or dub the video developed under subsection (a) into all relevant foreign languages, to be determined by the Secretary based on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visa applicants.

(2) REVISION. —Every 2 years, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall determine the specific languages into which the information pamphlet will be translated and the video produced or dubbed based on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visa applicants.

(d) AVAILABILITY AND DISTRIBUTION. —

(1) POSTING ON FEDERAL WEBSITES. —The information pamphlet and video developed under subsection (a) shall be posted on the websites of the Department of State, the Department of Homeland Security, the Department of Justice, the Department of Labor, and all United States consular posts processing applications for employment- or education-based nonimmigrant visas.

(2) OTHER DISTRIBUTION. —The information pamphlet and video developed under subsection (a) shall be made available to any—

- (A) government agency;
- (B) non governmental advocacy organization; or
- (C) foreign labor broker doing business in the United States.

(3) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION. —Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall distribute and make available the information pamphlet developed under subsection (a) in all the languages referred to in subsection (c).

(4) DEADLINE FOR VIDEO DEVELOPMENT AND DISTRIBUTION- Not later than 1 year after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Secretary of State shall make available the video developed under subsection (a) produced or dubbed in all the languages referred to in subsection (c).

(e) RESPONSIBILITIES OF CONSULAR OFFICERS OF THE DEPARTMENT OF STATE. —

(1) INTERVIEWS. —A consular officer conducting an interview of an alien for an employment-based nonimmigrant visa shall—

(A)

(i) confirm that the alien has received, read, and understood the contents of the pamphlet described in subsections (a) and (b); and

(ii) if the alien has not received, read, or understood the contents of the pamphlet described in subsections (a) and (b), distribute and orally disclose to the alien the information described in paragraphs (2) and (3) in a language that the alien understands; and

(B) offer to answer any questions the alien may have regarding the contents of the pamphlet described in sub- sections (a) and (b).

(2) LEGAL RIGHTS. —The consular officer shall disclose to the alien—

(A) the legal rights of employment-based non- immigrants under Federal immigration, labor, and employment laws;

(B) the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States; and

(C) the legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes, including—

(i) the right of access to immigrant and labor rights groups;

(ii) the right to seek redress in United States courts; and

(iii) the right to report abuse without retaliation.

(3) VICTIM SERVICES. —In carrying out the disclosure requirement under this subsection, the consular officer shall disclose to the alien the availability of services for victims of human trafficking and worker exploitation in the United States, including victim services complaint hotlines.

(f) DEFINITIONS. —In this section:

(1) EMPLOYMENT-OR EDUCATION-BASED NONIMMIGRANT VISA. —The term “employment- or education-based non- immigrant visa” means—

(A) a nonimmigrant visa issued under subparagraph (A)(iii), (G)(v), (H), or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(B) any nonimmigrant visa issued to a personal or domestic servant who is accompanying or following to join an employer.

(2) SEVERE FORMS OF TRAFFICKING IN PERSONS. —The term “severe forms of trafficking in persons” has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) SECRETARY. —The term “Secretary” means the Secretary of State.

(4) ABUSING AND EXPLOITING. —The term “abusing and exploiting” means any conduct which would constitute a violation of section 1466A, 1589, 1591, 1592, 2251, or 2251A of title 18, United States Code.

## SEC. 208. PROTECTIONS, REMEDIES, AND LIMITATIONS ON ISSUANCE FOR A-3 AND G-5 VISAS.

### (a) LIMITATIONS ON ISSUANCE OF A-3 AND G-5 VISAS. —

(1) CONTRACT REQUIREMENT. —Notwithstanding any other provision of law, the Secretary of State may not issue—

(A) an A-3 visa unless the applicant is employed, or has signed a contract to be employed containing the requirements set forth in subsection (d)(2), by an officer of a diplomatic mission or consular post; or

(B) a G-5 visa unless the applicant is employed, or has signed a contract to be employed by an employee in an international organization.

(2) SUSPENSION REQUIREMENT.—Notwithstanding any other provision of law, the Secretary shall suspend, for a period of at least 1 year, except if the Secretary determines and reports to the appropriate congressional committees, in advance, the reasons a shorter period is in the national interest, the issuance of A-3 visas or G-5 visas to applicants seeking to work for officials of a diplomatic mission or an international organization, if there is an unpaid default or final civil judgement directly or indirectly related to human trafficking against the employer or a family member assigned to the embassy, or the diplomatic mission or international organization hosting the employer or family member has not responded affirmatively to a request to waive immunity within 6 weeks of the request in a case brought by the United States Government and the country that accredited the employer or family member or, in the case of international organizations, the country of citizenship, has not initiated prosecution against the employer or family member.

(3) ACTION BY DIPLOMATIC MISSIONS OR INTERNATIONAL ORGANIZATIONS.—The Secretary may suspend the application of the limitation under paragraph (2) if the Secretary determines and reports to the appropriate congressional committees that, as applicable, the unpaid default judgement or final civil judgement has been resolved, the diplomatic mission or international organization hosting the employer or family member has waived immunity for the employer or family member or the country that accredited the employer or family member or the country of citizenship of the employer or family member completed the prosecution of the employer or family member, and the diplomatic mission or international organization hosting the employer or family member has a mechanism in place to ensure that such abuse or exploitation does not reoccur with respect to any alien employed by an employee of such mission or institution.

### (b) PROTECTIONS AND REMEDIES FOR A-3 AND G-5 NON-IMMIGRANTS EMPLOYED BY DIPLOMATS AND STAFF OF INTERNATIONAL ORGANIZATIONS. —

(1) IN GENERAL. —The Secretary may not issue or renew an A-3 visa or a G-5 visa unless—

(A) the visa applicant has executed a contract with the employer or prospective employer containing provisions described in paragraph (2); and

(B) a consular officer has conducted a personal interview with the applicant outside the presence of the employer or any recruitment agent in which the officer reviewed the terms of the contract and the provisions of the pamphlet required under section 202.

(2) MANDATORY CONTRACT. —The contract between the employer and domestic worker required under paragraph (1) shall include—

(A) an agreement by the employer to abide by all Federal, State, and local laws in the United States;

(B) information on the frequency and form of payment, work duties, weekly work hours, holidays, sick days, and vacation days; and

(C) an agreement by the employer not to withhold the passport, employment contract, or other personal property of the employee.



(3) TRAINING OF CONSULAR OFFICERS. —The Secretary shall provide appropriate training to consular officers on the fair labor standards described in the pamphlet required under section 202, trafficking in persons, and the provisions of this section.

(4) RECORD KEEPING. —

(A) IN GENERAL. —The Secretary shall maintain records on the presence of nonimmigrants holding an A–3 visa or a G–5 visa in the United States, including—

- (i) information about when the nonimmigrant entered and permanently exited the country of residence;
- (ii) the official title, contact information, and immunity level of the employer; and
- (iii) information regarding any allegations of employer abuse received by the Department of State.

(c) PROTECTION FROM REMOVAL DURING LEGAL ACTIONS AGAINST FORMER EMPLOYERS. —

(1) REMAINING IN THE UNITED STATES TO SEEK LEGAL REDRESS. —

(A) EFFECT OF COMPLAINT FILING. —Except as provided in subparagraph (B), if a nonimmigrant holding an A–3 visa or a G–5 visa working in the United States files a civil action under section 1595 of title 18, United States Code, or a civil action regarding a violation of any of the terms contained in the contract or violation of any other Federal, State, or local law in the United States governing the terms and conditions of employment of the nonimmigrant that are associated with acts covered by such section, the Attorney General and the Secretary of Homeland Security shall permit the nonimmigrant to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to such action.

(B) EXCEPTION. —An alien described in subparagraph (A) may be deported before the conclusion of the legal proceedings related to a civil action described in such subparagraph if such alien is—

- (i) inadmissible under paragraph (2)(A)(i)(II), (2)(B), (2)(C), (2)(E), (2)(H), (2)(I), (3)(A)(i), (3)(A)(iii), (3)(B), (3)(C), or (3)(F) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); or
- (ii) deportable under paragraph (2)(A)(ii), (2)(A)(iii), (4)(A)(i), (4)(A)(iii), (4)(B), or (4)(C) of section 237(a) of such Act (8 U.S.C. 1227(a)).

(C) FAILURE TO EXERCISE DUE DILIGENCE. —If the Secretary of Homeland Security, after consultation with the Attorney General, determines that the nonimmigrant holding an A–3 visa or a G–5 visa has failed to exercise due diligence in pursuing an action described in subparagraph (A), the Secretary may terminate the status of the A–3 or G–5 nonimmigrant.

(2) AUTHORIZATION TO WORK. —The Attorney General and the Secretary of Homeland Security shall authorize any non-immigrant described in paragraph (1) to engage in employment in the United States during the period the nonimmigrant is in the United States pursuant to paragraph (1).

(d) STUDY AND REPORT. —

(1) INVESTIGATION REPORT. —

(A) IN GENERAL. —Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 10 years, the Secretary shall submit a report to the appropriate congressional committees on the implementation of this section.

(B) CONTENTS. —The report submitted under subparagraph (A) shall include—

- (i) an assessment of the actions taken by the Department of State and the Department of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A–3 visa or a G–5 visa; and
- (ii) the results of such investigations.

(2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES OF DIPLOMATS AND REPRESENTATIVES OF OTHER INSTITUTIONS REPORT. —Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of—

(A) establishing a system to monitor the treatment of nonimmigrants holding an A–3 visa or a G–5 visa who have been admitted to the United States;

(B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that such nonimmigrants receive appropriate compensation if their employers violate the terms of their employment contracts; and

(C) with respect to each proposed compensation approach described in subparagraph (B), an evaluation and proposal describing the proposed processes for—

(i) adjudicating claims of rights violations.

(ii) determining the level of compensation; and

(iii) administering the program, fund, or scheme.

(e) ASSISTANCE TO LAW ENFORCEMENT INVESTIGATIONS. —The Secretary shall cooperate, to the fullest extent possible consistent with the United States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229), with any investigation by United States law enforcement authorities of crimes related to abuse or exploitation of a non- immigrant holding an A–3 visa or a G–5 visa.

(f) DEFINITIONS. —In this section:

(1) A–3 VISA. —The term “A–3 visa” means a nonimmigrant visa issued pursuant to section 101(a)(15)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)(iii)).

(2) G–5 VISA. —The term “G–5 visa” means a nonimmigrant visa issued pursuant to section 101(a)(15)(G)(v) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(v)).

(3) SECRETARY. —The term “Secretary” means the Secretary of State.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES. —The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

## **Sec. 209 Enhancing Efforts to Combat the Trafficking of Children**

(a) COMBATING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES. —

(1) POLICIES AND PROCEDURES. —In order to enhance the efforts of the United States to prevent trafficking in persons, the Secretary of Homeland Security, in conjunction with the Secretary of State, the Attorney General, and the Secretary of Health and Human Services, shall develop policies and procedures to ensure that unaccompanied alien children in the United States are safely repatriated to their country of nationality or of last habitual residence.

(2) SPECIAL RULES FOR CHILDREN FROM CONTIGUOUS COUNTRIES. —

(A) DETERMINATIONS. —Any unaccompanied alien child who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B), if the Secretary of Homeland Security determines, on a case-by-case basis, that—

(i) such child has not been a victim of a severe form of trafficking in persons, and there is no credible evidence that such child is at risk of being trafficked upon return to the child’s country of nationality or of last habitual residence;

(ii) such child does not have a fear of returning to the child’s country of nationality or of last habitual residence owing to a credible fear of persecution; and

(iii) the child is able to make an independent decision to withdraw the child's application for admission to the United States.

(B) RETURN. —An immigration officer who finds an unaccompanied alien child described in subparagraph (A) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may—

- (i) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and
- (ii) return such child to the child's country of nationality or country of last habitual residence.

(C) CONTIGUOUS COUNTRY AGREEMENTS. —The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States with respect to the repatriation of children. Such agreements shall be designed to protect children from severe forms of trafficking in persons, and shall, at a minimum, provide that—

- (i) no child shall be returned to the child's country of nationality or of last habitual residence unless returned to appropriate employees or officials, including child welfare officials where available, of the accepting country's government;
- (ii) no child shall be returned to the child's country of nationality or of last habitual residence outside of reasonable business hours; and
- (iii) border personnel of the countries that are parties to such agreements are trained in the terms of such agreements.

(3) RULE FOR OTHER CHILDREN. —The custody of unaccompanied alien children not described in paragraph (2)(A) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(4) SCREENING. —Within 48 hours of the apprehension of a child who is believed to be described in paragraph (2)(A), but in any event prior to returning such child to the child's country of nationality or of last habitual residence, the child shall be screened to determine whether the child meets the criteria listed in paragraph (2)(A). If the child does not meet such criteria, or if no determination can be made within 48 hours of apprehension, the child shall immediately be transferred to the Secretary of Health and Human Services and treated in accordance with subsection (b). Nothing in this paragraph may be construed to preclude an earlier transfer of the child.

(5) ENSURING THE SAFE REPATRIATION OF CHILDREN. —

(A) REPATRIATION PILOT PROGRAM.—To protect children from trafficking and exploitation, the Secretary of State shall create a pilot program, in conjunction with the Secretary of Health and Human Services and the Secretary of Homeland Security, nongovernmental organizations, and other national and international agencies and experts, to develop and implement best practices to ensure the safe and sustainable repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence, including placement with their families, legal guardians, or other sponsoring agencies.

(B) ASSESSMENT OF COUNTRY CONDITIONS. —The Secretary of Homeland Security shall consult the Department of State's Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(C) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Health and Human Services, with assistance from the Secretary of Homeland Security, shall submit a report to the Committee on the Judiciary of the Senate and the Committee

on the Judiciary of the House of Representatives on efforts to improve repatriation programs for unaccompanied alien children. Such report shall include—

- (i) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;
- (ii) a statement of the nationalities, ages, and gender of such children;
- (iii) a description of the policies and procedures used to effect the removal of such children from the United States and the steps taken to ensure that such children were safely and humanely repatriated to their country of nationality or of last habitual residence, including a description of the repatriation pilot program created pursuant to subparagraph (A);
- (iv) a description of the type of immigration relief sought and denied to such children;
- (v) any information gathered in assessments of country and local conditions pursuant to paragraph (2);
- (vi) and statistical information and other data on unaccompanied alien children as provided for in section 462(b)(1)(J) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(J)).

(D) PLACEMENT IN REMOVAL PROCEEDINGS. —Any unaccompanied alien child sought to be removed by the Department of Homeland Security, except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2), shall be—

- (i) placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a);
- (ii) eligible for relief under section 240B of such Act (8 U.S.C. 1229c) at no cost to the child; and
- (iii) provided access to counsel in accordance with subsection (c)(5).

(b) COMBATING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES. —

(1) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN. —Consistent with section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), and except as otherwise provided under subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.

(2) NOTIFICATION. —Each department or agency of the Federal Government shall notify the Department of Health and Human services within 48 hours upon—

- (A) the apprehension or discovery of an unaccompanied alien child; or
- (B) any claim or suspicion that an alien in the custody of such department or agency is under 18 years of age.

(3) TRANSFERS OF UNACCOMPANIED ALIEN CHILDREN. — Except in the case of exceptional circumstances, any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.

(4) AGE DETERMINATIONS. —The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall develop procedures to make a prompt determination of the age of an alien, which shall be used by the Secretary of Homeland Security and the Secretary of Health and Human Services for children in their respective custody. At a minimum, these procedures shall take into account multiple forms of evidence, including the non-exclusive use of radiographs, to determine the age of the unaccompanied alien.

(c) PROVIDING SAFE AND SECURE PLACEMENTS FOR CHILDREN. —

(1) POLICIES AND PROGRAMS. —The Secretary of Health and Human Services, Secretary of Homeland Security, Attorney General, and Secretary of State shall establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons

seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity, including policies and programs reflecting best practices in witness security programs.

**(2) SAFE AND SECURE PLACEMENTS. —**

**(A) Minors in department of health and human services custody —** Subject to section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child. In making such placements, the Secretary may consider danger to self, danger to the community, and risk of flight. Placement of child trafficking victims may include placement in an Unaccompanied Refugee Minor program, pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)), if a suitable family member is not available to provide care. A child shall not be placed in a secure facility absent a determination that the child poses a danger to self or others or has been charged with having committed a criminal offense. The placement of a child in a secure facility shall be reviewed, at a minimum, on a monthly basis, in accordance with procedures prescribed by the Secretary, to determine if such placement remains warranted.

**(B) Aliens transferred from department of health and human services to department of homeland security custody —** if a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to community, and risk of flight. Such aliens shall be eligible to participate in alternative detention programs, utilizing a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised home.

**(3) SAFETY AND SUITABILITY ASSESSMENTS. —**

**(A) IN GENERAL. —** Subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.

**(B) HOME STUDIES. —** Before placing the child with an individual, the Secretary of Health and Human Services shall determine whether a home study is first necessary. A home study shall be conducted for a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. The Secretary of Health and Human Services shall conduct follow-up services, during the pendency of removal proceedings, on children for whom a home study was conducted and is authorized to conduct follow-up services in cases involving children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency.

**(C) ACCESS TO INFORMATION. —** Not later than 2 weeks after receiving a request from the Secretary of Health and Human Services, the Secretary of Homeland Security shall provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.

(4) **LEGAL ORIENTATION PRESENTATIONS.** —The Secretary of Health and Human Services shall cooperate with the Executive Office for Immigration Review to ensure that custodians receive legal orientation presentations provided through the Legal Orientation Program administered by the Executive Office for Immigration Review. At a minimum, such presentations shall address the custodian’s responsibility to attempt to ensure the child’s appearance at all immigration proceedings and to protect the child from mistreatment, exploitation, and trafficking.

(5) **ACCESS TO COUNSEL.**—The Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

(6) **CHILD ADVOCATES.** —

(A) **In General** -- The Secretary of Health and Human Services is authorized to appoint independent child advocates for child trafficking victims and other vulnerable unaccompanied alien children. A child advocate shall be provided access to materials necessary to effectively advocate for the best interest of the child. The child advocate shall not be compelled to testify or provide evidence in any proceeding concerning any information or opinion received from the child in the course of serving as a child advocate. The child advocate shall be presumed to be acting in good faith and be immune from civil liability for lawful conduct of duties as described in this provision.

(B) **Appointment of child advocates** –

(i) **Initial sites** – Not later than 2 years after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Secretary of Health and Human Services shall appoint child advocates at 3 new immigration detention sites to provide independent child advocates for trafficking victims and vulnerable unaccompanied alien children.

(ii) **Additional sites** – Not later than 3 years after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Secretary shall appoint child advocates at not more than 3 additional immigration detention sites.

(iii) **Selection of sites** – Sites at which child advocate programs will be established under this subparagraph shall be located at immigration detention sites at which more than 50 children are held in immigration custody, and shall be selected sequentially, with priority given to locations with –

(I) the largest number of unaccompanied alien children; and

(II) the most vulnerable populations of unaccompanied children.

(C) **Restrictions.** —

(i) **Administrative expenses.** --A child advocate program may not use more than 10 percent of the Federal funds received under this section for administrative expenses.

(ii) **Nonexclusivity.** --Nothing in this section may be construed to restrict the ability of a child advocate program under this section to apply for or obtain funding from any other source to carry out the programs described in this section.

(iii) **Contribution of funds.** --A child advocate program selected under this section shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the child advocate program in an amount that is not less than 25 percent of the total amount of Federal funds received by the child advocate program under this section.

In-kind contributions may not exceed 40 percent of the matching requirement under this clause.

(D) Annual report to congress.--Not later than 1 year after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, and annually thereafter, the Secretary of Health and Human Services shall submit a report describing the activities undertaken by the Secretary to authorize the appointment of independent Child Advocates for trafficking victims and vulnerable unaccompanied alien children to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(E) Assessment of child advocate program. —

(i) In general. --As soon as practicable after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the Child Advocate Program operated by the Secretary of Health and Human Services.

(ii) Matters to be studied. --In the study required under clause (i), the Comptroller General shall-- collect information and analyze the following:

(I) analyze the effectiveness of existing child advocate programs in improving outcomes for trafficking victims and other vulnerable unaccompanied alien children;

(II) evaluate the implementation of child advocate programs in new sites pursuant to subparagraph (B);

(III) evaluate the extent to which eligible trafficking victims and other vulnerable unaccompanied children are receiving child advocate services and assess the possible budgetary implications of increased participation in the program;

(IV) evaluate the barriers to improving outcomes for trafficking victims and other vulnerable unaccompanied children; and

(V) make recommendations on statutory changes to improve the Child Advocate Program in relation to the matters analyzed under subclauses (I) through (IV).

(iii) GAO report. --Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit the results of the study required under this subparagraph to—

(I) the Committee on the Judiciary of the Senate;

(II) the Committee on Health, Education, Labor, and Pensions of the Senate;

(III) the Committee on the Judiciary of the House of Representatives; and

(IV) the Committee on Education and the Workforce of the House of Representatives.

(F) Authorization of appropriations. --There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this subsection—

(i) \$1,000,000 for each of the fiscal years 2014 and 2015; and

(ii) \$2,000,000 for each of the fiscal years 2018 and 2021.

(d) PERMANENT PROTECTION FOR CERTAIN AT-RISK CHILDREN. —

(1) IN GENERAL. —Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(A) in clause (i), by striking “State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;” and inserting “State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;”; and

(B) in clause (iii)—

(i) in the matter preceding subclause (I), by striking “the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;” and inserting “the Secretary of Homeland Security consents to the grant of special immigrant juvenile status;”; and

(ii) in subclause (I), by striking “in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction;” and inserting “in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction;”.

(2) EXPEDITIOUS ADJUDICATION. —All applications for special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated by the Secretary of Homeland Security not later than 180 days after the date on which the application is filed.

(3) ADJUSTMENT OF STATUS. —Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows: “(A) paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A), and (9)(B) of section 212(a) shall not apply; and”.

(4) ELIGIBILITY FOR ASSISTANCE. —

(A) IN GENERAL.—A child who has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who was in the custody of the Secretary of Health and Human Services at the time a dependency order was granted for such child, was receiving services pursuant to section 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time such dependency order was granted or has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), shall be eligible for placement and services under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) until the earlier of—

(i) the date on which the child reaches the age designated in section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)); or

(ii) the date on which the child is placed in a permanent adoptive home.

(B) STATE REIMBURSEMENT.—Subject to the availability of appropriations, if State foster care funds are expended on behalf of a child who is not described in subparagraph (A) and has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), or status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(5) STATE COURTS ACTING IN LOCO PARENTIS. —A department or agency of a State, or an individual or entity appointed by a State court or juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(6) TRANSITION RULE.—Notwithstanding any other provision of law, an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by paragraph (1), may not be denied special immigrant status under such section after the date of the enactment of this Act based on age if the alien was a child on the date on which the alien applied for such status.

(7) ACCESS TO ASYLUM PROTECTIONS. —Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(A) in subsection (a)(2), by adding at the end the following: “(E) APPLICABILITY. —Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).”; and



(B) in subsection (b)(3), by adding at the end the following: “(C) INITIAL JURISDICTION. —An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))), regardless of whether filed in accordance with this section or section 235(b).”.

(8) SPECIALIZED NEEDS OF UNACCOMPANIED ALIEN CHILDREN. —Applications for asylum and other forms of relief from removal in which an unaccompanied alien child is the principal applicant shall be governed by regulations which take into account the specialized needs of unaccompanied alien children and which address both procedural and substantive aspects of handling unaccompanied alien children’s cases.

(e) TRAINING. —The Secretary of State, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall provide specialized training to all Federal personnel, and upon request, state and local personnel, who have substantive contact with unaccompanied alien children. Such personnel shall be trained to work with unaccompanied alien children, including identifying children who are victims of severe forms of trafficking in persons, and children for whom asylum or special immigrant relief may be appropriate, including children described in subsection (a)(2).

(f) AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002. —

(1) ADDITIONAL RESPONSIBILITIES. —Section 462(b)(1)(L) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(L)) is amended by striking the period at the end and inserting “, including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements.”.

(2) TECHNICAL CORRECTIONS. —Section 462(b) of such Act (6 U.S.C. 279(b)) is further amended—

(A) in paragraph (3), by striking “paragraph (1)(G),” and inserting “paragraph (1),”; and

(B) by adding at the end the following: “(4) RULE OF CONSTRUCTION. —Nothing in paragraph (2)(B) may be construed to require that a bond be posted for an unaccompanied alien child who is released to a qualified sponsor.”.

(g) DEFINITION OF UNACCOMPANIED ALIEN CHILD. —For purposes of this section, the term “unaccompanied alien child” has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

(h) EFFECTIVE DATE. —This section—

(1) shall take effect on the date that is 90 days after the date of the enactment of this Act; and

(2) shall also apply to all aliens in the United States in pending proceedings before the Department of Homeland Security or the Executive Office for Immigration Review, or related administrative or Federal appeals, on the date of the enactment of this Act.

(i) GRANTS AND CONTRACTS. —The Secretary of Health and Human Services may award grants to, and enter into contracts with, voluntary agencies to carry out this section and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

## **SEC. 210. PROMOTING EFFECTIVE STATE ENFORCEMENT.**

(a) RELATIONSHIP AMONG FEDERAL AND STATE LAW. —Nothing in this Act, the Trafficking Victims Protection Act of 2000, the Trafficking Victims Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005, chapters 77 and 117 of title 18, United States Code, or any model law issued by the Department of Justice to carry out the purposes of any of the aforementioned statutes—

(1) may be construed to treat prostitution as a valid form of employment under Federal law; or

(2) shall preempt, supplant, or limit the effect of any State or Federal criminal law.

(b) **MODEL STATE CRIMINAL PROVISIONS.** —In addition to any model State anti trafficking statutes in effect on the date of the enactment of this Act, the Attorney General shall facilitate the promulgation of a model State statute that—

- (1) furthers a comprehensive approach to investigation and prosecution through modernization of State and local prostitution and pandering statutes;
- (2) protects children exploited through prostitution by including safe harbor provisions that –
  - (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 of 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;
- (3) is based in part on the provisions of the Act of August 15, 1935 (49 Stat. 651; D.C. Code 22–2701 et seq.) (relating to prostitution and pandering).
  - (A) **DISTRIBUTION.** —The model statute described in subsection (b) and the text of chapter 27 of the Criminal Code of the District of Columbia (D.C. Code 22–2701 et seq.) shall be—
    - (1) posted on the website of the Department of Justice;
    - (2) and distributed to the Attorney General of each State.

## **SEC. 211. ADDITIONAL REPORTING ON CRIME.**

(a) **TRAFFICKING OFFENSE CLASSIFICATION.** —The Director of the Federal Bureau of Investigation shall—

- (1) classify the offense of human trafficking as a Part I crime in the Uniform Crime Reports;
- (2) to the extent feasible, establish subcategories for State sex crimes that involve—
  - (A) a person who is younger than 18 years of age;
  - (B) the use of force, fraud or coercion; or
  - (C) neither of the elements described in subparagraphs (A) and (B); and
- (3) classify the offense of human trafficking as a Group A offense for purpose of the National Incident-Based Reporting System.

(b) **ADDITIONAL INFORMATION.** —The Director of the Federal Bureau of Investigation shall revise the Uniform Crime Reporting System and the National Incident-Based Reporting System to distinguish between reports of—

- (1) incidents of assisting or promoting prostitution, which shall include crimes committed by persons who—
  - (A) do not directly engage in commercial sex acts; and
  - (B) direct, manage, or profit from such acts, such as State pimping or pandering crimes
- (2) incidents of purchasing prostitution, which shall include crimes committed by persons who purchase or attempt to purchase or trade anything of value for commercial sex acts;
- (3) incidents of prostitution, which shall include crimes committed by persons providing or attempting to provide commercial sex acts;
- (4) Incidents of assisting or promoting prostitution, child labor that is a violation of law, or forced labor of an individual under the age of 18 as described in paragraph (1); and
- (5) Incidents of purchasing or soliciting commercial sex acts, child labor that is a violation of law, or forced labor with an individual under the age of 18 as described in paragraph (2).

(c) REPORTS AND STUDIES. —

(1) REPORTS. — Not later than February 1, 2010, the Attorney General shall submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate reports on the following:

(A) Activities or actions, in fiscal years 2001 through 2009, by Federal departments and agencies to enforce the offenses set forth in chapter 117 of title 18, United States Code, including information regarding the number of prosecutions, the number of convictions, an identification of multiple-defendant cases and the results thereof, and, for fiscal years 2008 and 2009, the number of prosecutions, the number of convictions, and an identification of multiple-defendant case and the results thereof, the use of expanded statutes of limitation and other tools to prosecute crimes against children who reached the age of eighteen years since the time the crime was committed.

(B) The interaction, in Federal human trafficking prosecutions in fiscal years 2001 through 2010, of Federal restitution provisions with those provisions of law allowing restoration and remission of criminally and civilly forfeited property, including the distribution of proceeds among multiple victims.

(C) Activities or actions, in fiscal years 2001 through 2010, to enforce the offenses set forth in chapters 95 and 96 of title 18, United States Code, in cases involving human trafficking, sex trafficking, or prostitution offenses.

(D) Activities or actions, in fiscal years 2008 and 2009, by Federal departments and agencies to enforce the offenses set forth in the Act of August 15, 1935 (49 Stat. 651; D.C. Code 22–2701 et seq.) (relating to prostitution and pandering), including information regarding the number of prosecutions, the number of convictions, and an identification of multiple-defendant cases and the results thereof

(2) **STUDIES.** —Subject to availability of appropriations, the head of the National Institute of Justice shall conduct—

(A) a comprehensive study to examine the use of Internet-based businesses and services by criminal actors in the sex industry, and to disseminate best practices for investigation and prosecution of trafficking and prostitution offenses involving the Internet; and

(B) a comprehensive study to examine the application of State human trafficking statutes, including such statutes based on the model law developed by the Department of Justice, cases prosecuted thereunder, and the impact, if any, on enforcement of other State criminal statutes.

(3) **STUDIES PREVIOUSLY REQUIRED BY LAW.**—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate on the status of the studies required by paragraph (B)(i) and (ii) of section 201(a)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)(1)) and indicate the projected date when such studies will be completed.

### **Title III – Miscellaneous Provisions**

#### **SEC. 212. PREVENTING FUTURE TRAFFICKING IN THE UNITED STATES THROUGH RECEIPT OF COMPLAINTS ABROAD.**

(a) **IN GENERAL.** —The Secretary of State shall ensure that each diplomatic or consular post or other mission designates an employee to be responsible for receiving information from—

(1) any person who was a victim of a severe form of trafficking in persons (as such term is defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14))) while present in the United States; or

(2) any person who has information regarding a victim described in paragraph (1).

(b) **PROVISION OF INFORMATION.** —Any information received pursuant to subsection (a) shall be transmitted to the Department of Justice, the Department of Labor, the Department of Homeland Security, and to any other relevant Federal agency for appropriate response. The Attorney General, the Secretary of Labor, the Secretary of Homeland Security, and the head of any other such relevant Federal agency shall establish a process to address any actions to be taken in response to such information.

(c) **ASSISTANCE FROM FOREIGN GOVERNMENTS.** —The employee designated for receiving information pursuant to subsection (a) should coordinate with foreign governments or civil society organizations in the countries of origin of victims of severe forms of trafficking in persons, with the permission of and without compromising the safety of such victims, to ensure that such victims receive any additional support available.

#### **SEC. 213. REQUIRED TRAINING TO PREVENT HUMAN TRAFFICKING FOR CERTAIN CONTRACTING AIR CARRIERS.**

(a) **IN GENERAL.** —Section 40118 of title 49, United States Code, is amended by adding at the end the following: “(g) **TRAINING REQUIREMENTS.**—The Administrator of General Services shall ensure that any contract entered into for provision of air transportation with a domestic carrier under this section requires that the contracting air carrier submits to the Administrator of General Services, the Secretary of Transportation, the Administrator of the Transportation Security Administration, the Secretary of Labor and the Commissioner of U.S. Customs and Border Protection an annual report regarding—

“(1) the number of personnel trained in the detection and reporting of potential human trafficking (as described in paragraphs (9) and (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), including the training required under section 44734(a)(4);

“(2) the number of notifications of potential human trafficking victims received from staff or other passengers; and

“(3) whether the air carrier notified the National Human Trafficking Hotline or law enforcement at the relevant airport of the potential human trafficking victim for each such notification of potential human trafficking, and if so when the notification was made.”.

(b) APPLICABILITY. —The amendment made by subsection (a) shall apply to any contract entered into after the date of enactment of this Act except for contracts entered into by the Secretary of Defense.

#### **SEC. 214. TRAINING COURSE ON HUMAN TRAFFICKING AND GOVERNMENT CONTRACTING.**

Any curriculum, including any continuing education curriculum, for the acquisition workforce used by the Federal Acquisition Institute established under section 1201 of title 41, United States Code, shall include at least 1 course, lasting at least 30 minutes, regarding the law and regulations relating to human trafficking and contracting with the Federal Government.

#### **SEC. 215. MODIFICATIONS TO THE ADVISORY COUNCIL ON HUMAN TRAFFICKING.**

The Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22; 129 Stat. 243) is amended—

(1) in subsection (f), by amending paragraph (2) to read as follows: “(2) shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5, United States Code.”; and

(2) in subsection (h), by striking “2020” and inserting “2021”.

#### **SEC. 216. SENSE OF CONGRESS.**

(a) It is the sense of Congress that—

(1) foreign assistance that addresses poverty alleviation and humanitarian disasters reduces the vulnerability of men, women, and children to human trafficking and is a crucial part of the response of the United States to modern-day slavery;

(2) the Deputy Under Secretary of the Bureau of International Labor Affairs of the Department of Labor and the grant programs administered by the Deputy Under Secretary play a critical role in preventing and protecting children from the worst forms of child labor, including situations of trafficking, and in reducing the vulnerabilities of men and women to situations of forced labor and trafficking; and

(3) the Secretary of Labor also plays a critical role in helping other Federal departments and agencies to prevent goods made with forced and child labor from entering the United States by consulting with such departments and agencies to reduce forced and child labor internationally and ensuring that products made by forced labor and child labor in violation of international standards are not imported into the United States.

(b) PRIVATE SECTOR SUPPORT TO STRENGTHEN LAW ENFORCEMENT AGENCIES AND THE ROLE OF PRIVATE BUSINESSES IN PREVENTING AND COMBATING CHILD SEX TRAFFICKING. —It is the sense of Congress that— the President should work with the private sector to explore, develop, and use technology that strengthens Federal law enforcement capabilities to combat traffickers and criminal networks; and private businesses, both domestic and international, should take every reasonable step to prevent and combat child sex trafficking.

(c) EFFORTS TO END MODERN SLAVERY. —It is the sense of Congress that any future authorization of appropriations to carry out the grant program authorized under section 1298 of the Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114) should simultaneously extend the accountability provisions under subsections (c), (d), and (e) of such section.

## **SEC. 217. REPORT ON THE ENFORCEMENT OF SECTION 307 OF THE TARIFF ACT OF 1930.**

(a) IN GENERAL. —Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the committees listed in subsection that describes any obstacles or challenges to enforcing section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(b) COMMITTEES. —The committees listed in this subsection are—

- (1) the Committee on Foreign Affairs of the House of Representatives;
- (2) the Committee on Financial Services of the House of Representatives;
- (3) the Committee on Energy and Commerce of the House of Representatives;
- (4) the Committee on the Judiciary of the House of Representatives;
- (5) the Committee on Ways and Means of the House of Representatives;
- (6) the Committee on Foreign Relations of the Senate;
- (7) the Committee on Health, Education, Labor, and Pensions of the Senate;
- (8) the Committee on Commerce, Science, and Transportation of the Senate; the Committee on the Judiciary of the Senate; and
- (9) the Committee on Finance of the Senate.

(c) REQUIREMENTS. —The report required under subsection (a) shall—

- (1) describe the role and best practices of private sector employers in the United States in complying with the provisions of section 307 of the Tariff Act of 1930;
- (2) describe any efforts or programs undertaken by relevant Federal, State, or local government agencies to encourage employers, directly or indirectly, to comply with such provisions;
- (3) describe the roles of the relevant Federal departments and agencies in overseeing and regulating such provisions, and the oversight and enforcement mechanisms used by such departments or agencies;
- (4) provide concrete, actual case studies or examples of how such provisions are enforced;
- (5) identify the number of petitions received and cases initiated (whether by petition or otherwise) or investigated by each relevant Federal department or agency charged with implementing and enforcing such provisions, as well as the dates petitions were received or investigations were initiated, and their current statuses;
- (6) identify any enforcement actions during the most recent 10 years, including—
  - (A) the issuance of Withhold Release Orders;
  - (B) the detention of shipments;
  - (C) the issuance of civil penalties; and

- (D) the formal charging with criminal charges relating to the forced labor scheme taken as a result of petitions and investigations identified pursuant to paragraph (5), organized by type of action, date of action, commodity, and country of origin;
- (7) with respect to any relevant petition filed during the 10-year period immediately preceding the date of the enactment of this Act with the relevant Federal departments and agencies tasked with implementing such provisions, list the specific products, country of origin, manufacturer, importer, end-user or retailer, and outcomes of any investigation;
- (8) identify any gaps that may exist in enforcement of such provisions;
- (9) describe the engagement of the relevant Federal departments and agencies with stakeholders, including the engagement of importers, forced labor experts, and nongovernmental organizations; and
- (10) based on the information required under paragraphs (1) through (9)—
  - (A) identify any regulatory obstacles or challenges to enforcement of such provisions; and
  - (11) provide recommendations for actions that could be taken by the relevant Federal departments and agencies to overcome such obstacles

## **Sec. 218 REQUIREMENTS FOR STRATEGIES TO PREVENT TRAFFICKING.**

### **(a) REPORT ON NEW PRACTICES TO COMBAT TRAFFICKING. —**

(1) **IN GENERAL.** —Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 7 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(A) describes any practices adopted by the Department of State or the United States Agency for International Development to better combat trafficking in persons, in accordance with the report submitted under section 101(b)(4) of the Trafficking Victims Protection Reauthorization Act of 2005, in order to reduce the risk of trafficking in post-conflict or post-disaster areas; or if no practices referred to in subparagraph (A) have been adopted, includes a strategy to reduce the risk of trafficking in such areas.

(2) **PUBLIC AVAILABILITY.** —Each report submitted under paragraph (1) shall be posted on a publicly available internet website of the Department of State.

### **(b) CHILD PROTECTION STRATEGIES IN WATCH LIST COUNTRIES. —**

(1) **IN GENERAL.** —The Administrator of the United States Agency for International Development shall incorporate into the relevant country development cooperation strategy for each country on the list described in paragraph (1)(C) of section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) or the special watch list described in paragraph (2)(A)(iii) of such section, strategies for the protection of children and the reduction of the risk of trafficking.

(2) **COMPONENTS.** —The child protection and trafficking reduction strategies required under paragraph (1) shall—

(A) address the root causes of insecurity that leave children and youth vulnerable to trafficking; and

(B) include common metrics and indicators to monitor progress across Federal agencies to prevent, address, and end violence against children and youth globally in post-conflict and post-disaster areas.

## **SEC. 219. BRIEFING ON COUNTRIES WITH PRIMARILY MIGRANT WORKFORCES.**

(a) Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall provide a briefing to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that includes, with respect to each country that has a domestic workforce of which more than 80 percent are third-country nationals—

(1) an assessment of the progress made by the government of such country toward implementing the recommendations with respect to such country contained in the most recent Trafficking in Persons Report submitted by the Secretary under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), as amended by section 203 of this Act; and a description of the efforts made by the United States to ensure that any domestic worker brought into the United States by an official of such country is not a victim of trafficking.

## **SEC. 220. REPORT ON RECIPIENTS OF FUNDING FROM THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) Not later than 90 days after the date of the enactment of this Act, and by October 1 of each of the following 4 years, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes, with respect to the prior fiscal year—

(1) each obligation or expenditure of Federal funds by the Agency for the purpose of combating human trafficking and forced labor; and  
(2) with respect to each such obligation or expenditure, the program, project, activity, primary recipient, and any sub-grantees or subcontractors.

## **SEC. 221. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.**

(a) FINDINGS. —Section 402 of the Missing Children’s Assistance Act (42 U.S.C. 5771) is amended—

(1) by amending paragraph (1) to read as follows: “(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;”;

(2) by striking paragraphs (4) and (5);

(3) in paragraph (6) by inserting “, including child sex trafficking and sextortion” after “exploitation”;

(4) in paragraph (8) by adding “and” at the end;

(5) by striking paragraph (9);

(6) by amending paragraph (10) to read as follows: “(10) a key component of such programs is the National Center for Missing and Exploited Children that—

“(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

“(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S.

Immigration and Customs Enforcement, the United States Secret Service, the United States



Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

“(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly.”; and

(7) by redesignating paragraphs (6), (7), (8), and (10), as amended by this subsection, as paragraphs (4), (5), (6), and (7), respectively.

(b) DEFINITIONS. —Section 403 of the Missing Children’s Assistance Act (42 U.S.C. 5772) is amended—

(1) by striking paragraph (1) and inserting the following: “(1) the term ‘missing child’ means any individual less than 18 years of age whose whereabouts are unknown to such individual’s parent;”;

(2) in paragraph (2) by striking “and” at the end;

(3) in paragraph (3) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following: “(4) the term ‘parent’ includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.”.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR. —Section 404 of the Missing Children’s Assistance Act (34 U.S.C. 11293) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking “telephone line” and inserting “hotline”; and

(B) in paragraph (6)(E)—

(i) by striking “telephone line” and inserting “hot- line”;

(ii) by striking “(b)(1)(A) and” and inserting “(b)(1)(A),”;

(iii) by inserting “, and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)” before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking “telephone line” each place it appears and inserting “hotline”; and

(II) by striking “legal custodian” and inserting “parent”;

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking “restaurant” and inserting “food”; and

(II) by striking “and” at the end;

(ii) in clause (ii) by adding “and” at the end; and

(iii) by adding at the end the following: “(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;”;

(C) by striking subparagraphs (E), (F), and (G);

(D) by amending subparagraph (H) to read as follows: “(H) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public --

“(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

“(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and

“(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;”;

(E) by amending subparagraphs (I), (J), and (K) to read as follows:

“(I) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally;

“(J) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited children by searching public records data-bases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

“(K) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children;”;

(F) by striking subparagraphs (L) and (M);

(G) by amending subparagraph (N) to read as follows: “(N) provide training, technical assistance, and information to nongovernmental organizations relating to non-compliant sex offenders and to law enforcement agencies in identifying and locating such individuals;”;

(H) by striking subparagraph (P);

(I) by amending subparagraph (Q) to read as follows: “(Q) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

“(i) by operating a tip line to—

“(I) provide to individuals and electronic service providers an effective means of reporting Internet-related and other instances of child sexual exploitation in the areas of—

“(aa) possession, manufacture, and distribution of child pornography;

“(bb) online enticement of children for sexual acts;

“(cc) child sex trafficking;

“(dd) sex tourism involving children;

“(ee) extra familial child sexual molestation;

“(ff) unsolicited obscene material sent to a child;

“(gg) misleading domain names; and

“(hh) misleading words or digital images on the Internet; and

“(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

“(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and  
“(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families;”;

(J) by striking subparagraph (R);

(K) by amending subparagraphs (S) and (T) to read as follows:

“(S) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

“(i) the prevention of child abduction and sexual exploitation;

“(ii) Internet safety, including tips for social media and cyberbullying; and

“(iii) sexting and sextortion; and

“(T) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children;”;

(L) by redesignating subparagraphs (H), (I), (J), (K), (N), (O), (Q), (S), (T), (U), and (V), as amended by this subsection, as subparagraphs (E) through (O), respectively.

(d) GRANTS. —Section 405 of the Missing Children’s Assistance Act (34 U.S.C. 11294) is amended—

(1) in subsection (a)—

(A) in paragraph (7) by striking “(as defined in section 403(1)(A))”; and

(B) in paragraph (8)—

(i) by striking “legal custodians” and inserting “parents”; and

(ii) by striking “custodians” and inserting “parents’ ”; and

(2) in subsection (b)(1)(A) by striking “legal custodians” and inserting “parents”.

(e) REPORTING. —The Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.) is amended—

(1) by redesignating sections 407 and 408 as section 408 and 409, respectively; and

(2) by inserting after section 406 the following:

**“SEC. 407. REPORTING.**

“(a) REQUIRED REPORTING. —As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

“(1) the number of children nationwide who are reported to the grantee as missing;

“(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

“(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

“(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

“(b) INCIDENCE OF ATTEMPTED CHILD ABDUCTIONS. —As a condition of receiving funds under section 404(b), the grant recipient shall—

“(1) track the incidence of attempted child abductions in order to identify links and patterns;

“(2) provide such information to law enforcement agencies; and

“(3) make such information available to the general public, as appropriate”

## **SEC. 222. PROMOTING DATA COLLECTION ON HUMAN TRAFFICKING.**

(a) PREVALENCE OF HUMAN TRAFFICKING. —Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the efforts of the National Institute of Justice to develop a methodology to assess the prevalence of human trafficking in the United States, including a timeline for completion of the methodology.

(b) INNOCENCE LOST NATIONAL INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the status of the Innocence Lost National Initiative, which shall include, for each of the last 5 fiscal years, information on—

(1) the number of human traffickers who were arrested, disaggregated by—

(A) the number of individuals arrested for patronizing or soliciting an adult;

(B) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining an adult;

(C) the number of individuals arrested for patronizing or soliciting a minor; and

(D) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining a minor;

(2) the number of adults who were arrested on charges of prostitution;

(3) the number of minor victims who were identified;

(4) the number of minor victims who were arrested and formally petitioned by a juvenile court or criminally charged; and

(5) the placement of and social services provided to each such minor victim as part of each State operation.

(c) AVAILABILITY OF REPORTS. —The reports required under sub- sections (a) and (b) shall be posted on the website of the Department of Justice.

## **SEC. 223. CRIME REPORTING.**

(a) Section 7332(c) of the Uniform Federal Crime Reporting Act of 1988 (28 U.S.C. 534 note) is amended—

(1) in paragraph (3), by striking “in the form of annual Uniform Crime Reports for the United States” and inserting “not less frequently than annually”; and

(2) by adding at the end the following:

“(4) INTERAGENCY COORDINATION. —

“(A) IN GENERAL. —Not later than 90 days after the date of enactment of this paragraph, the Director of the Federal Bureau of Investigation shall coordinate with the head of each department or agency within the Federal Government that is subject to the mandatory

reporting requirements under paragraph (2) for the purpose of ensuring successful implementation of paragraph (2).

“(B) FOR REPORT. —Not later than 6 months after the date of enactment of this paragraph, the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) shall provide the Director of the Federal Bureau of Investigation such information as the Director determines is necessary to complete the first report required under paragraph (5).

“(5) ANNUAL REPORT BY FEDERAL BUREAU OF INVESTIGATION.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the efforts of the departments and agencies within the Federal Government to come into compliance with paragraph (2). The report shall contain a list of all departments and agencies within the Federal Government subject to paragraph (2) and whether each department or agency is in compliance with paragraph (2).”.

## **SEC. 224. HUMAN TRAFFICKING ASSESSMENT.**

(a) Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Executive Associate Director of Homeland Security Investigations shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on human trafficking investigations undertaken by Homeland Security Investigations that includes—

- (1) the number of confirmed human trafficking investigations by category, including labor trafficking, sex trafficking, and transnational and domestic human trafficking;
- (2) the number of victims by category, including—
  - (A) whether the victim is a victim of sex trafficking or a victim of labor trafficking; and
  - (B) whether the victim is a minor or an adult; and
- (3) an analysis of the data described in paragraphs (1) and (2) and other data available to Homeland Security Investigations that indicates any general human trafficking or investigatory trends.

## **SEC. 225. ENCOURAGING A VICTIM-CENTERED APPROACH TO TRAINING OF FEDERAL LAW ENFORCEMENT PERSONNEL.**

(a) TRAINING CURRICULUM IMPROVEMENTS.—The Attorney General, Secretary of Homeland Security, and Secretary of Labor shall periodically, but not less frequently than once every 2 years, implement improvements to the training programs on human trafficking for employees of the Department of Justice, Department of Homeland Security, and Department of Labor, respectively, after consultation with survivors of human trafficking, or trafficking victims service providers, and Federal law enforcement agencies responsible for the prevention, deterrence, and prosecution of offenses involving human trafficking (such as individuals serving as, or who have served as, investigators in a Federal agency and who have expertise in identifying human trafficking victims and investigating human trafficking cases).

(b) ADVANCED TRAINING CURRICULUM. —

- (1) IN GENERAL. —Not later than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop an advanced training curriculum, to supplement

the basic curriculum for investigative personnel of the Department of Justice and the Department of Homeland Security, respectively, that—

(A) emphasizes a multidisciplinary, collaborative effort by law enforcement officers who provide a broad range of investigation and prosecution options in response to perpetrators, and victim service providers, who offer services and resources for victims;

(B) provides guidance about the recruitment techniques employed by human traffickers to clarify that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense; and

(C) explains that—

(i) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization; and

(ii) a comprehensive approach to eliminating human trafficking should include demand reduction as a component.

(2) USE OF CURRICULUM. —The Attorney General and the Secretary of Homeland Security shall provide training using the curriculum developed under paragraph (1) to—

(A) all law enforcement officers employed by the Department of Justice and the Department of Homeland Security, respectively, who may be involved in the investigation of human trafficking offenses; and

(B) members of task forces that participate in the investigation of human trafficking offenses.

(c) TRAINING COMPONENTS. —Section 107(c)(4)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)(B)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(iv) a discussion clarifying that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense.

## **SEC. 226. VICTIM SCREENING TRAINING.**

(a) Section 114 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20709) is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (i), by striking the “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(iii) individually screening all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking; and

“(iv) how—

“(I) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons; and

“(II) such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.”; and

(2) by adding at the end the following: “(f) DEPARTMENT OF JUSTICE VICTIM SCREENING PROTOCOL.

“(1) IN GENERAL. —Not later than 180 days after the date of enactment of this subsection, the Attorney General shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department of Justice is involved.

“(2) REQUIREMENTS. —The protocol required to be issued under paragraph (1) shall—

“(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking;

“(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

“(C) require all Federal law enforcement officers and relevant department personnel who participate in human trafficking investigations to receive training on enforcement of the protocol;

“(D) be developed in consultation with State and local law enforcement agencies, the Department of Health and Human Services, survivors of human trafficking, and non-governmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking; and

“(E) include—

“(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

“(ii) guidelines on assisting victims of human trafficking in identifying and receiving victim services.

## **SEC. 227. JUDICIAL TRAINING.**

Section 223(b)(2) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20333(b)(2)) is amended—

(1) in subparagraph (B) by striking “and” at the end;

(2) in subparagraph (C) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.”.

## **SEC. 228 TRAINING OF TRIBAL LAW ENFORCEMENT AND PROSECUTORIAL PERSONNEL.**

The Attorney General, in consultation with the Director of the Office of Tribal Justice, shall carry out a program under which tribal law enforcement officials may receive technical assistance and training to pursue a victim-centered approach to investigating and prosecuting severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

## **SEC. 229. GRANT ACCOUNTABILITY.**

Section 1236 of the Violence Against Women Reauthorization Act of 2013 (22 U.S.C. 7113) is amended—

(1) in the matter preceding paragraph (1), by striking “All grants” and inserting the following: “(a) IN GENERAL. —For fiscal year 2013, and each fiscal year thereafter, all grants”; and

(2) by adding at the end the following: “(b) APPLICATION TO ADDITIONAL GRANTS. —For purposes of sub- section (a), for fiscal year 2018, and each fiscal year thereafter, the term ‘grant awarded by the Attorney General under this title or an Act amended by this title’ includes a grant under any of the following:

“(1) Section 223 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20333).

“(2) The program under section 504 of the Trafficking Victims Protection Act of 2017.”.

### **SEC. 230. PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING.**

(a) ESTABLISHMENT. —There is established the Public-Private Partnership Advisory Council to End Human Trafficking, which shall provide advice and recommendations to the Group and the Task Force.

(b) MEMBERSHIP. —

(1) COMPOSITION. —The Council shall be composed of not fewer than 8 and not more than 14 representatives of non- governmental organizations, academia, and nonprofit groups who have significant knowledge and experience in human trafficking prevention and eradication, identification of human trafficking, and services for human trafficking victims.

(2) REPRESENTATION OF NONPROFIT AND NONGOVERNMENTAL ORGANIZATIONS. —To the extent practicable, members of the Council shall be representatives of nonprofit groups, academia, and nongovernmental organizations who accurately reflect the diverse backgrounds related to work in the prevention, eradication, and identification of human trafficking and services for human trafficking victims in the United States and internationally.

(3) APPOINTMENT. —Not later than 180 days after the date of the enactment of this Act, the President shall appoint—

(A) 1 member of the Council, after consultation with the President Pro Tempore of the Senate;

(B) 1 member of the Council, after consultation with the Minority Leader of the Senate;

(C) 1 member of the Council, after consultation with the Speaker of the House of Representatives;

(D) 1 member of the Council, after consultation with the Minority Leader of the House of Representatives; and

(E) the remaining members of the Council.

(4) TERM; REAPPOINTMENT. —Each member of the Council—

(A) shall serve for a term of 2 years; and

(B) may be reappointed by the President to serve 1 additional 2-year term.

(5) EMPLOYEE STATUS. —Members of the Council—

(A) shall not be considered employees of the Federal Government for any purpose; and

(B) shall not receive compensation.

(c) FUNCTIONS. —The Council shall—

(1) be a nongovernmental advisory body to the Group;

(2) meet, at its own discretion or at the request of the Group, not less frequently than annually, to review Federal Government policy and programs intended to combat human trafficking, including programs relating to the provision of serv- ices for victims;



- (3) serve as a point of contact, with the United States Advisory Council on Human Trafficking, for Federal agencies reaching out to human trafficking nonprofit groups and non-governmental organizations for input on programming and policies relating to human trafficking in the United States;
  - (4) formulate assessments and recommendations to ensure that the policy and programming efforts of the Federal Government conform, to the extent practicable, to the best practices in the field of human trafficking prevention and rehabilitation and aftercare of human trafficking victims; and
  - (5) meet with the Group not less frequently than annually, and not later than 45 days before a meeting with the Task Force, to formally present the findings and recommendations of the Council.
- (d) NONAPPLICABILITY OF FACIA. —The Council shall not be subject to the requirements under the Federal Advisory Committee Act (5 U.S.C. App.).

### **Sec. 231. Reports.**

(a) Not later than 1 year after the date of the enactment of this Act and annually thereafter until the date described in section 705, the Council, in coordination with the United States Advisory Council on Human Trafficking, shall submit a report containing the findings derived from the reviews conducted pursuant to section 703(c)(2) to—

- (1) the Committee on Appropriations of the Senate;
- (2) the Committee on Foreign Relations of the Senate;
- (3) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (4) the Committee on the Judiciary of the Senate;
- (5) the Committee on Appropriations of the House of Representatives;
- (6) the Committee on Foreign Affairs of the House of Representatives;
- (7) the Committee on Homeland Security of the House of Representatives;
- (8) the Committee on the Judiciary of the House of Representatives;
- (9) the chair of the Task Force; and
- (10) the members of the Group.

### **Sec. 232. UNITED STATES SUPPORT FOR INTEGRATION OF ANTI-TRAFFICKING INTERVENTIONS IN MULTILATERAL DEVELOPMENT BANKS.**

(a) REQUIREMENTS. —The Secretary of the Treasury, in consultation with the Secretary of State, acting through the Ambassador at Large for Monitoring and Combating Trafficking in Persons, shall instruct the United States Executive Director of each multilateral development bank to initiate discussions with the other executive directors and management of the respective multilateral development bank to—

- (1) further develop anti-human trafficking provisions in relevant project development, safeguards, procurement, and evaluation policies;
- (2) employing a risk-based approach, require human trafficking risk assessments and integration plans as a routine part of developing projects through existing, forthcoming or new mechanisms and processes;
- (3) support analyses of the impact of severe forms of trafficking in persons on key indicators of economic and social development and of the benefits of reducing human trafficking on economic and social development;
- (4) support the proactive integration of effective anti-trafficking interventions into projects with the objectives of enhancing development outcomes and reducing the incidence of severe forms of trafficking in project areas;

- (5) increase the capacity of multilateral development banks and of recipient governments to conduct human trafficking risk assessments and integrate anti-trafficking interventions into projects;
- (6) support the development of meaningful risk mitigation and reduction policies, regulations, and strategies within the multilateral development banks to reduce the incidence and prevalence of severe forms of trafficking in persons and enhance development outcomes that may be improved by reducing the incidence and prevalence of human trafficking; and
- (7) support the inclusion of human trafficking risk analysis in the development of relevant country strategies by each multi-lateral development bank.

(b) BRIEFINGS. —The Secretary of the Treasury shall make relevant officials available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of this section.

### **SEC. 233. TRAINING OF SCHOOL RESOURCE OFFICERS TO RECOGNIZE AND RESPOND TO SIGNS OF HUMAN TRAFFICKING.**

Section 1701(b)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(12)) is amended by inserting “, including the training of school resource officers in the prevention of human trafficking offenses” before the semi- colon at the end.

### **SEC. 234. TRAINING FOR SCHOOL PERSONNEL.**

Section 41201(f) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c(f)) is amended by striking “2014 through 2018” and inserting “2019 through 2022”.

### **SEC. 235. PRESERVING DOMESTIC TRAFFICKING VICTIMS’ FUND.**

(a) SENSE OF CONGRESS. —It is the sense of Congress that the Domestic Trafficking Victims’ Fund established under section 3014 of title 18, United States Code—

(1) is intended to supplement, and not supplant, any other funding for domestic trafficking victims; and

(2) has achieved the objective described in paragraph (1) since the establishment of the Fund.

(b) ENSURING FULL FUNDING. —Section 3014 of title 18, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “September 30, 2019” and inserting “September 30, 2021”;

(2) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “2019” and inserting “2023”;

(3) in subsection (f), by inserting “, including the mandatory imposition of civil remedies for satisfaction of an unpaid fine as authorized under section 3613, where appropriate” after “criminal cases”; and

(4) in subsection (h)(3), by inserting “and child victims of a severe form of trafficking (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102))” after “child pornography victims”.

### **SEC. 236 VICTIM-WITNESS ASSISTANCE IN SEXUAL EXPLOITATION CASES.**

(a) AVAILABILITY OF DOJ APPROPRIATIONS. —Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting “, chapter 110 of title 18” after “chapter 77 of title 18”.

(b) AMENDMENT TO TITLE 31.—Section 9705(a)(2)(B)(v) of title 31, United States Code, is amended by inserting “, chapter 109A of title 18 (relating to sexual abuse), chapter 110 of title 18 (relating to child sexual exploitation), or chapter 117 of title 18 (relating to transportation for illegal sexual activity and related crimes)” after “(relating to human trafficking)”.

## **SEC. 237. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.**

(a) IN GENERAL. —Title IX of the Justice for Victims of Trafficking Act of 2015 (6 U.S.C. 641 et seq.) is amended by adding at the end the following:

“SEC. 906. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) DIRECTIVE TO DHS LAW ENFORCEMENT OFFICIALS AND TASK FORCES. —

“(1) IN GENERAL. —Not later than 180 days after the date of enactment of this section, the Secretary shall issue a directive to—

“(A) all Federal law enforcement officers and relevant personnel employed by the Department who may be involved in the investigation of human trafficking offenses; and

“(B) members of all task forces led by the Department that participate in the investigation of human trafficking offenses.

“(2) REQUIRED INSTRUCTIONS. —The directive required to be issued under paragraph (1) shall include instructions on—

“(A) the investigation of individuals who patronize or solicit human trafficking victims as being engaged in severe trafficking in persons and how such individuals should be investigated for their roles in severe trafficking in persons; and

“(B) how victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

“(b) VICTIM SCREENING PROTOCOL. —

“(1) IN GENERAL. —Not later than 180 days after the date of enactment of this section, the Secretary shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department is involved.

“(2) REQUIREMENTS. —The protocol required to be issued under paragraph (1) shall—

“(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts, child labor that is a violation of law, or work in violation of labor standards to determine whether each individual screened is a victim of human trafficking;

“(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

“(C) be developed in consultation with relevant inter-agency partners and nongovernmental organizations that specialize in the prevention of human trafficking or in the identification and support of victims of human trafficking and survivors of human trafficking; and

“(D) include—

“(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

“(ii) guidelines on assisting victims of human trafficking in identifying and receiving restorative services.

“(c) MANDATORY TRAINING. —The training described in sections 902 and 904 shall include training necessary to implement—

“(1) the directive required under subsection (a); and “(2) the protocol required under subsection (b).”.

(b) TABLE OF CONTENTS AMENDMENT. —The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227) is amended by inserting after the item relating to section 905 the following:

“Sec. 906. Victim protection training for the Department of Homeland Security.”.

### **SEC. 238. DIRECT SERVICES FOR CHILD VICTIMS OF HUMAN TRAFFICKING.**

Section 214(b) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20304(b)) is amended—

(1) in the heading by inserting “CHILD VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS AND” before “VICTIMS OF CHILD PORNOGRAPHY”; and

(2) by inserting “victims of a severe form of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) who were under the age of 18 at the time of the offense and” before “victims of child pornography”.

### **SEC. 239 HOLISTIC TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICERS AND PROSECUTORS.**

(a) All training required under the Combat Human Trafficking Act of 2015 (34 U.S.C. 20709) and section 105(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) shall—

(1) emphasize that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense;

(2) develop specific curriculum for—

(A) under appropriate circumstances, arresting and prosecuting buyers of commercial sex, child labor that is a violation of law, or forced labor as a form of primary prevention; and

(B) investigating and prosecuting individuals who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking; and

(3) specify that any comprehensive approach to eliminating human trafficking shall include a demand reduction component.

### **SEC. 240. BEST PRACTICES IN DELIVERING JUSTICE FOR VICTIMS OF TRAFFICKING.**

(a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue guidance to all offices and components of the Department of Justice—

(1) emphasizing that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States

Code, and is a party to a severe form of trafficking in persons, as that term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9));

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

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

## **SEC. 241. IMPROVING THE NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING.**

Section 606(b) of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20711(b)) is amended by adding at the end the following: “(6) A national strategy to prevent human trafficking and reduce demand for human trafficking victims.”.

## **SEC. 242. SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS.**

(a) IN GENERAL. —Section 111 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20708) is amended—

(1) in the heading, by striking “LAW ENFORCEMENT TRAINING PROGRAMS” and inserting “SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS”;

(2) in subsection (a)(2), by striking “means a State or a local government.” and inserting the following: “means—

“(A) a State or unit of local government;

“(B) a federally recognized Indian tribal government, as determined by the Secretary of the Interior;

“(C) a victim service provider;

“(D) a nonprofit or for-profit organization (including a tribal nonprofit or for-profit organization);

“(E) a national organization; or

“(F) an institution of higher education (including tribal institutions of higher education).”;

(3) by striking subsection (b) and inserting the following: “(b) GRANTS AUTHORIZED. —The Attorney General may award grants to eligible entities to—

“(1) provide training to identify and protect victims of trafficking;

“(2) improve the quality and quantity of services offered to trafficking survivors; and

“(3) improve victim service providers’ partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities.”; and

(4) in subsection (c)—

(A) in paragraph (2), by striking “or” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (3) the following:

“(4) provide technical assistance on the range of services available to victim service providers who serve trafficking victims;

“(5) develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;

“(6) identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;

“(7) provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or

“(8) assist service providers in developing additional resources such as partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.”.

(b) TECHNICAL AND CONFORMING AMENDMENT. —The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109– 162; 119 Stat. 2960) is amended by striking the item relating to section 111 and inserting the following:

“Sec. 111. Grants for specialized human trafficking training and technical assistance for service providers.”

### **SEC. 243. TARGETING ORGANIZED HUMAN TRAFFICKING PERPETRATORS.**

Section 521(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following: “(3) a Federal offense involving human trafficking, sexual abuse, sexual exploitation, or transportation for prostitution or any illegal sexual activity; and”;

and

(4) in paragraph (4), as so redesignated, by striking “(1) or (2)” and inserting “(1), (2), or 251(3)”.

### **SEC. 244 INVESTIGATING COMPLEX HUMAN TRAFFICKING NETWORKS.**

Section 2516 of title 18, United States Code, is amended—

(1) in subsection (1)(c)—

(A) by inserting “section 1582 (vessels for slave trade), section 1583 (enticement into slavery),” after “section 1581 (peonage),”; and

(B) by inserting “section 1585 (seizure, detention, transportation or sale of slaves), section 1586 (service on vessels in slave trade), section 1587 (possession of slaves aboard vessel), section 1588 (transportation of slaves from United States),” after “section 1584 (involuntary servitude),”; and

(2) in subsection (2)—

(A) by striking “kidnapping human” and inserting “kidnapping, human”; and

(B) by striking “production,” and inserting “production, prostitution,”.

### **SEC. 245. COMBATING SEX TOURISM.**

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “for the purpose” and inserting “with a motivating purpose”; and

(2) in subsection (d), by striking “for the purpose of engaging” and inserting “with a motivating purpose of engaging”.

## **SEC. 246. HUMAN TRAFFICKING JUSTICE COORDINATORS.**

Section 606 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20711) is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) by adding at the end the following:

“(c) HUMAN TRAFFICKING JUSTICE COORDINATORS. —The Attorney General shall designate in each Federal judicial district not less than 1 assistant United States attorney to serve as the Human Trafficking Coordinator for the district who, in addition to any other responsibilities, works with a human trafficking victim- witness specialist and shall be responsible for—

“(1) implementing the National Strategy with respect to all forms of human trafficking, including labor trafficking and sex trafficking;

“(2) prosecuting, or assisting in the prosecution of, human trafficking cases;

“(3) conducting public outreach and awareness activities relating to human trafficking;

“(4) ensuring the collection of data required to be collected under clause (viii) of section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)), as added by section 17 of the Abolish Human Trafficking Act of 2017, is sought;

“(5) coordinating with other Federal agencies, State, tribal, and local law enforcement agencies, victim service providers, and other relevant non-governmental organizations to build partnerships on activities relating to human trafficking; and

“(6) ensuring the collection of restitution for victims is sought as required to be ordered under section 1593 of title 18, United States Code, and section 2429 of such title, as added by section 3 of the Abolish Human Trafficking Act of 2017.

“(d) DEPARTMENT OF JUSTICE COORDINATOR. —Not later than 60 days after the date of enactment of the Abolish Human Trafficking Act of 2017, the Attorney General shall designate an official who shall coordinate human trafficking efforts within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

“(1) coordinating, promoting, and supporting the work of the Department of Justice relating to human trafficking, including investigation, prosecution, training, outreach, victim support, grant-making, and policy activities;

“(2) in consultation with survivors of human trafficking, or anti-human trafficking organizations, producing and disseminating, including making publicly available when appropriate, replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult and child protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with human trafficking regarding how to—

“(A) identify signs of human trafficking;

“(B) conduct investigations in human trafficking cases;

“(C) address evidentiary issues and other legal issues; and

“(D) appropriately assess, respond to, and interact with victims and witnesses in human trafficking cases, including in administrative, civil, and criminal judicial proceedings; and

“(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, human trafficking.”

#### **SEC. 247. ENDING GOVERNMENT PARTNERSHIPS WITH THE COMMERCIAL SEX INDUSTRY.**

No Federal funds or resources may be used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that—

- (1) has the primary purpose of providing adult entertainment; and
- (2) derives profits from the commercial sex trade.

#### **SEC. 248. UNDERSTANDING THE EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.**

(a) IN GENERAL. —Title VI of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 258) is amended by adding at the end the following: “SEC. 607. UNDERSTANDING THE PHYSICAL AND PSYCHOLOGICAL EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.

“(a) IN GENERAL.—The National Institute of Justice and the Centers for Disease Control and Prevention shall jointly conduct a study on the short-term and long-term physical and psychological effects of serious harm (as that term is defined in section 1589(c)(2) and section 1591(e)(4) of title 18, United States Code, as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5044)) in order to determine the most effective types of services for individuals who are identified as victims of these crimes, including victims in cases that were not investigated or prosecuted by any law enforcement agency, and how new or current treatment and programming options should be tailored to address the unique needs and barriers associated with these victims.

“(b) REPORT. —Not later than 3 years after the date of enactment of the Abolish Human Trafficking Act of 2017, the National Institute of Justice and the Centers for Disease Control and Prevention shall make available to the public the results, including any associated recommendations, of the study conducted under sub-section (a).”.

(b) TABLE OF CONTENTS AMENDMENT. —The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227) is amended by inserting after the item relating to section 606 the following: “Sec. 607. Understanding the physical and psychological effects of severe forms of trafficking in persons.”

#### **SEC. 249. GRANT ACCOUNTABILITY.**

(a) DEFINITIONS. —In this section—

- (1) the term “covered agency” means an agency authorized to award grants under this Act;
- (2) the term “covered grant” means a grant authorized to be awarded under this Act; and
- (3) the term “covered official” means the head of a covered agency.

(b) ACCOUNTABILITY. —All covered grants shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT. —

(A) DEFINITION. —In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of a covered agency that the audited grantee has utilized funds under a covered grant for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.



(B) AUDITS. —Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of a covered agency shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION. —A recipient of funds under a covered grant that is found to have an unresolved audit finding shall not be eligible to receive funds under a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY. —In awarding covered grants, a covered official shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for the covered grant.

(E) REIMBURSEMENT. —If an entity is awarded funds under a covered grant during the 2-fiscal-year period during which the entity is barred from receiving covered grants under subparagraph (C), a covered official shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the recipient of the covered grant that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS. —

(A) DEFINITION. —For purposes of this paragraph and each covered grant program, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION. —A covered grant may not be awarded to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the applicable covered official, in the application for the covered grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, a covered official shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES. —

(A) LIMITATION.—No amounts made available to a covered agency to carry out a covered grant program may be used by a covered official, or by any individual or entity awarded discretionary funds through a cooperative agreement under a covered grant program, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the covered agency, unless the covered official provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL. —Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT. —

(i) DEPARTMENT OF JUSTICE. —The Deputy Attorney General shall submit an annual report to the appropriate committees of Congress on all conference expenditures approved under this paragraph.

(ii) DEPARTMENT OF HEALTH AND HUMAN SERVICES. —The Deputy Secretary of Health and Human Services shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(iii) DEPARTMENT OF HOMELAND SECURITY. —The Deputy Secretary of Homeland Security shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION. —Beginning in the first fiscal year beginning after the date of enactment of this Act, each covered official shall submit to the appropriate committees of Congress an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General of the applicable covered agency under paragraph (1) have been completed and reviewed by the appropriate official;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any recipients of a covered grant excluded under paragraph (1) from the previous year.

(c) PREVENTING DUPLICATIVE GRANTS. —

(1) IN GENERAL. —Before a covered official awards a covered grant, the covered official shall compare potential awards under the covered grant program with other covered grants awarded to determine if duplicate grant awards are awarded for the same purpose.

(2) REPORT. —If a covered official awards duplicate covered grants to the same applicant for the same purpose the covered official shall submit to the appropriate committees of Congress a report that includes—

(A) a list of all duplicate covered grants awarded, including the total dollar amount of any duplicate covered grants awarded; and

(B) the reason the covered official awarded the duplicate covered grants

## SEC. 250. HERO ACT IMPROVEMENTS.

(a) IN GENERAL. —Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “Homeland Security Investigations,” after “Customs Enforcement,”; and

(B) by striking paragraph (2) and inserting the following: “(2) PURPOSE. —The Center shall provide investigative assistance, training, and equipment to support domestic and international investigations of cyber-related crimes by the Department.”;

(2) in subsection (b)—in paragraph (2)(C), by inserting after “personnel” the following: “, which shall include participating in training for Homeland Security Investigations personnel conducted by Internet Crimes Against Children Task Forces”; and

(A) in paragraph (3)—

(i) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “in child exploitation investigations” after “Enforcement”; and

(II) in clause (i), by inserting “child” before “victims”;

(ii) in subparagraph (C), by inserting “child exploitation” after “number of”; and

(iii) in subparagraph (D), by inserting “child exploitation” after “number of”; and

(3) in subsection (c)(2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting “and administer the Digital Forensics and Document and Media Exploitation program” after “forensics”;

(B) in subparagraph (C), by inserting “and emerging technologies” after “forensics”; and

(C) in subparagraph (D), by striking “and the National Association to Protect Children” and inserting “, the National Association to Protect Children, and other govern- mental entities”.

(b) HERO CHILD-RESCUE CORPS.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(4) by redesignating subsection (e) as subsection (g);

(5) by inserting after subsection (d) the following: “(e) HERO CHILD-RESCUE CORPS.—

“(1) ESTABLISHMENT. —

“(A) IN GENERAL. —There is established within the Center a Human Exploitation Rescue Operation Child- Rescue Corps Program (referred to in this section as the ‘HERO Child-Rescue Corps Program’), which shall be a Department-wide program, in collaboration with the Department of Defense and the National Association to Protect Children.

“(B) PRIVATE SECTOR COLLABORATION. —As part of the HERO Child-Rescue Corps Program, the National Association to Protect Children shall provide logistical support for program participants.

“(2) PURPOSE. —The purpose of the HERO Child-Rescue Corps Program shall be to recruit, train, equip, and employ members of the Armed Forces on active duty and wounded, ill, and injured veterans to combat and prevent child exploitation, including in investigative, intelligence, analyst, inspection, and forensic positions or any other positions determined appropriate by the employing agency.

“(3) FUNCTIONS. —The HERO Child-Rescue Program shall—

“(A) provide, recruit, train, and equip participants of the Program in the areas of digital forensics, investigation, analysis, intelligence, and victim identification, as deter- mined by the Center and the needs of the Department; and

“(B) ensure that during the internship period, participants of the Program are assigned to investigate and analyze—

“(i) child exploitation;

“(ii) child pornography;

“(iii) unidentified child victims;

“(iv) human trafficking;

“(v) traveling child sex offenders; and

“(vi) forced child labor, including the sexual exploitation of minors.

“(f) PAID INTERNSHIP AND HIRING PROGRAM. —

“(1) IN GENERAL. —The Secretary shall establish a paid internship and hiring program for the purpose of placing participants of the HERO Child-Rescue Corps Program (in this subsection referred to as ‘participants’) into paid internship positions, for the subsequent appointment of the participants to permanent positions, as described in the guidelines promulgated under paragraph (3).

“(2) INTERNSHIP POSITIONS. —Under the paid internship and hiring program required to be established under paragraph (1), the Secretary shall assign or detail participants to positions within United States Immigration and Customs Enforcement or any other Federal agency in accordance with the guidelines promulgated under paragraph (3).

“(3) PLACEMENT. —

“(A) IN GENERAL. —The Secretary shall promulgate guidelines for assigning or detailing participants to positions within United States Immigration and Customs Enforcement and other Federal agencies, which shall include requirements for internship duties and agreements regarding the subsequent appointment of the participants to permanent positions.

“(B) PREFERENCE. —The Secretary shall give a preference to Homeland Security Investigations in assignments or details under the guidelines promulgated under subparagraph (A).

“(4) TERM OF INTERNSHIP. —An appointment to an internship position under this subsection shall be for a term not to exceed 12 months.

“(5) RATE AND TERM OF PAY. —After completion of initial group training and upon beginning work at an assigned office, a participant appointed to an internship position under this subsection who is not receiving monthly basic pay as a member of the Armed Forces on active duty shall receive compensation at a rate that is—

“(A) not less than the minimum rate of basic pay payable for a position at level GS–5 of the General Schedule; and

“(B) not more than the maximum rate of basic pay payable for a position at level GS–7 of the General Schedule.

“(6) ELIGIBILITY. —In establishing the paid internship and hiring program required under paragraph (1), the Secretary shall ensure that the eligibility requirements for participation in the internship program are the same as the eligibility requirements for participation in the HERO Child-Rescue Corps Program.

“(7) HERO CORPS HIRING. —The Secretary shall establish within Homeland Security Investigations positions, which shall be in addition to any positions in existence on the date of enactment of this subsection, for the hiring and permanent employment of graduates of the paid internship program required to be established under paragraph (1).”; and

(6) in subsection (g), as so redesignated—

(A) by striking “There are authorized” and inserting the following: “(1) IN GENERAL. —There are authorized”; and

(B) by adding at the end the following: “(2) ALLOCATION. —Of the amount made available pursuant to paragraph (1) in each of fiscal years 2019 through 2022, not more than \$10,000,000 shall be used to carry out subsection (e) and not less than \$2,000,000 shall be used to carry out subsection (f).”.

(c) TECHNICAL AND CONFORMING AMENDMENT. —Section 302 of the HERO Act of 2015 (Public Law 114–22; 129 Stat. 255) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

## **SEC. 251 BEST PRACTICES TO PREVENT FORCED CHILD LABOR TRAFFICKING.**

It is the sense of the Congress that—

- (1) the United States Government condemns, in the strongest terms, forced child labor, including in situations of trafficking; and
- (2) the President should work with the private sector to develop best practices and guidance for preventing forced child labor and indentured servitude, including in situations of trafficking.

## **SEC. 252 ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING. —**

(a) STUDY. —

- (1) IN GENERAL. —Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.
- (2) FACTORS. —In carrying out the study under subparagraph (A), the Administrator shall—
  - (A) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the appropriate size of such facilities, services to be provided, length of stay, and cost; and
  - (B) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.
- (3) PILOT PROGRAM. —Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.
- (4) PURPOSES. —The purposes of the pilot program established pursuant to paragraph (2) are to—
  - (A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;
  - (B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and
  - (C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.
- (5) SELECTION OF SITES. —The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).
- (6) FORM OF ASSISTANCE. —In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to victims of trafficking.
- (7) REPORT. —Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the [Committee on Foreign Affairs](#) of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(b) STUDY. —

(1) REQUIREMENT. —Not later than 1 year after the date of the enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall submit a report to the appropriate congressional committees that identifies the existence and extent of any service gap between victims described in section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) and individuals described in section 107(f) of such Act, as amended by section 213(a) of this Act.

(2) ELEMENTS. —In carrying out the study under subparagraph (1), the Attorney General and the Secretary of Health and Human Services shall—

(1) investigate factors relating to the legal ability of the victims described in paragraph (1) to access government-funded social services in general, including the application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(5)) and the Illegal Immigration and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009 et seq.);

(2) investigate any other impediments to the access of the victims described in paragraph (1) to government-funded social services;

(3) investigate any impediments to the access of the victims described in paragraph (1) to government-funded services targeted to victims of severe forms of trafficking;

(4) investigate the effect of trafficking service-provider infrastructure development, continuity of care, and availability of caseworkers on the eventual restoration and rehabilitation of the victims described in paragraph (1); and

(5) include findings, best practices, and recommendations, if any, based on the study of the elements described in subparagraphs (A) through (D) and any other related information.

## **SEC. 253. GAO REPORT ON THE USE OF FOREIGN LABOR CONTRACTORS.**

(a) In General. --Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report on the use of foreign labor contractors to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Education and the Workforce of the House of Representatives.

(b) Contents. --The report under subsection (a) should, to the extent possible—

(1) address the role and practices of United States employers in—

(A) the use of labor recruiters or brokers; or

(B) directly recruiting foreign workers;

(2) analyze the laws that protect such workers, both overseas and domestically;

(3) describe the oversight and enforcement mechanisms in Federal departments and agencies for such laws; and

(4) identify any gaps that may exist in these protections; and

(5) recommend possible actions for Federal departments and agencies to combat any abuses.

(c) Requirements. --The report under subsection (a) shall—

(1) describe the role of labor recruiters or brokers working in countries that are sending workers and receiving funds, including any identified involvement in labor abuses;

(2) describe the role and practices of employers in the United States that commission labor recruiters or brokers or directly recruit foreign workers;

(3) describe the role of Federal departments and agencies in overseeing and regulating the foreign labor recruitment process, including certifying and enforcing under existing regulations;

- (4) describe the type of jobs and the numbers of positions in the United States that have been filled through foreign workers during each of the last 8 years, including positions within the Federal Government;
- (5) describe any efforts or programs undertaken by Federal, State and local government entities to encourage employers, directly or indirectly, to use foreign workers or to reward employers for using foreign workers; and
- (6) based on the information required under paragraphs (1) through (3), identify any common abuses of foreign workers and the employment system, including the use of fees and debts, and recommendations of actions that could be taken by Federal departments and agencies to combat any identified abuses.

## **Sec. 254 GAO STUDY OF THE EFFECTIVENESS OF BORDER SCREENINGS.**

### **(a) Study. —**

(1) In general. --The Comptroller General of the United States shall conduct a study examining the effectiveness of screenings conducted by Department of Homeland Security personnel in carrying out section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)).

(2) Study. --In carrying out paragraph (1), the Comptroller General shall take into account—

(A) the degree to which Department of Homeland Security personnel are adequately ensuring that—

(i) all children are being screened to determine whether they are described in section 235(a)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act;

(ii) appropriate and reliable determinations are being made about whether children are described in section 235(a)(2)(A) of such Act, including determinations of the age of such children;

(iii) children are repatriated in an appropriate manner, consistent with clauses (i) through (iii) of section 235(a)(2)(C) of such Act;

(iv) children are appropriately being permitted to withdraw their applications for admission, in accordance with section 235(a)(2)(B)(i) of such Act;

(v) children are being properly cared for while they are in the custody of the Department of Homeland Security and awaiting repatriation or transfer to the custody of the Secretary of Health and Human Services; and

(vi) children are being transferred to the custody of the Secretary of Health and Human Services in a manner that is consistent with such Act; and

(B) the number of such children that have been transferred to the custody of the Department of Health and Human Services, the Federal funds expended to maintain custody of such children, and the Federal benefits available to such children, if any.

(3) Access to department of homeland security operations. —

(A) In general. --Except as provided in subparagraph (B), for the purposes of conducting the study described in subsection (a), the Secretary shall provide the Comptroller General with unrestricted access to all stages of screenings and other interactions between Department of Homeland Security personnel and children encountered by the Comptroller General.

(B) Exceptions. --The Secretary shall not permit unrestricted access under subparagraph (A) if the Secretary determines that the security of a particular interaction would be threatened by such access.

(b) Report to Congress. --Not later than 2 years after the date of the commencement of the study described in subsection (a), the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the Commission's findings and recommendations.

#### **Sec. 255 ACTIVITIES OF THE DEPARTMENT OF STATE. —**

(a) FINDING.—Congress finds that in the report submitted to Congress by the Secretary of State in June 2005 pursuant to section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the list of countries whose governments do not comply with the minimum standards for the elimination of trafficking and are not making significant efforts to bring themselves into compliance was composed of a large number of countries in which the trafficking involved forced labor, including the trafficking of women into domestic servitude.

(b) SENSE OF CONGRESS. —It is the sense of Congress that the Director of the Office to Monitor and Combat Trafficking of the Department of State should intensify the focus of the Office on forced labor in the countries described in paragraph (1) and other countries in which forced labor continues to be a serious human rights concern.

(c) *It is the sense of Congress that the Secretary of State, in conjunction with the International Labour Organization, the United Nations Office of Drug and Crime Prevention, and other relevant international and nongovernmental organizations, should seek to establish a multilateral framework between labor exporting and labor importing countries to ensure that workers migrating between such countries are protected from trafficking in persons.*

#### **Sec. 256 ACTIVITIES OF THE DEPARTMENT OF LABOR. —**

(a) IN GENERAL. —The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in paragraph (2).

(b) ADDITIONAL ACTIVITIES DESCRIBED. —The additional activities referred to in paragraph (1) are—

- (1) to monitor the use of forced labor and child labor in violation of international standards;
- (2) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));
- (3) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards, *including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor;*
- (4) to work with persons who are involved in the production of goods on the list described in subparagraph(C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and
- (5) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States

#### **Sec. 257 TRANSLATION OF TRAFFICKING IN PERSONS REPORT.**

(a) The Secretary of State shall—



- (1) timely translate the annual report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) into the principal languages of as many countries as possible, with particular emphasis on the languages of the countries on the lists described in subparagraphs (B) and (C) of section 110(b)(1) of such Act; and
- (2) ensure that the translations described in paragraph (1) are made available to the public through postings on the Internet website of the Department of State and other appropriate websites.

## **Sec. 258 EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES. —**

### **(a) IN GENERAL. —**

(1) Part II of title 18, United States Code, is amended by inserting after chapter 212 the following new chapter: “CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES

“Sec. 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.

“3272. Definitions.

“§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States

“(a) Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“§ 3272. Definitions

“As used in this chapter:

“(1) The term ‘employed by the Federal Government outside the United States’ means—

“(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

“(B) present or residing outside the United States in connection with such employment; and

“(C) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying the Federal Government outside the United States’ means—

“(A) a dependant of—

“(i) a civilian employee of the Federal Government;

“(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

“(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.”.

(2) CLERICAL AMENDMENT. —The table of chapters at the beginning of such part is amended by inserting after the item relating to chapter 212 the following new item: “212A. Extraterritorial jurisdiction over certain trafficking in persons offenses 3271”.

(3) LAUNDERING OF MONETARY INSTRUMENTS. —Section 1956(c)(7)(B) of title 18, United States Code, is amended--

- (A) in clause (v), by striking “or” at the end;
- (B) in clause (vi), by adding “or” at the end; and
- (C) by adding at the end the following new clause: “(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;”.

(c) CIVIL AND CRIMINAL FORFEITURES. —

(1) IN GENERAL. —Chapter 117 of title 18, United States Code, is amended by adding at the end the following new section: “§ 2428. Forfeitures

“(a) IN GENERAL. —The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

“(1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

“(2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

“(b) PROPERTY SUBJECT TO FORFEITURE. —

“(1) IN GENERAL. —The following shall be subject to forfeiture to the United States and no property right shall exist in them:

“(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

“(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

“(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.”.

(2) CLERICAL AMENDMENT. —The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2428. Forfeitures.”.

(3) AMENDMENT. —Chapter 117 of title 18, United States Code, is amended by adding at the end the following: “§ 2429. Mandatory restitution

“(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

“(b) (1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3), and shall additionally require the defendant to pay the greater of the gross income or value to the defendant of the victim’s services, if the services constitute commercial sex acts as defined under section 1591.

“(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

“(3) As used in this subsection, the term ‘full amount of the victim’s losses’ has the same meaning as provided in section 2259(b)(3).

“(c) The forfeiture of property under this section shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

“(d) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.”.

(4) TABLE OF SECTIONS. —The table of sections for chapter 117 of title 18, United States Code, is amended by inserting after the item relating to section 2428 the following: “2429. Mandatory restitution.”.

## **TITLE IV—CHILD SOLDIERS PREVENTION**

### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Child Soldiers Prevention Act of 2008”.

### **SEC. 402. DEFINITIONS.**

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES. —The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Appropriations of the Senate;
- (C) the Committee on Foreign Affairs of the House of Representatives; and
- (D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER. —Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces, police, or other security forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces, police, or other security forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces, police, or other security forces;
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clause (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

### **SEC. 403. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the United States Government should condemn the conscription, forced recruitment, or use of children by governments, paramilitaries, or other organizations;

(2) the United States Government should support and, to the extent practicable, lead efforts to establish and uphold international standards designed to end the abuse of human rights described in paragraph (1);

(3) the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to re-integrate such children back into their respective communities by—

(A) offering ongoing psychological services to help such children—

- (i) to recover from the trauma suffered during their forced military involvement;
- (ii) to relearn how to interact with others in non-violent ways so that such children are no longer a danger to their respective communities; and

(iii) by taking into consideration the needs of girl soldiers, who may be at risk of exclusion from disarmament, demobilization, and reintegration programs;

(iv) facilitating reconciliation with such communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in such communities; and

(B) providing educational and vocational assistance;

(4) the United States should work with the international community, including, as appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprises—

(A) to bring to justice rebel and paramilitary forces that kidnap children for use as child soldiers;

(B) to recover those children who have been abducted; and

(C) to assist such children to be rehabilitated and reintegrated into their respective communities;

(5) the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals described in paragraph (3);

(6) United States diplomatic missions in countries in which the use of child soldiers is an issue, whether or not such use is supported or sanctioned by the governments of such countries, should include in their mission program plans a strategy to achieve the goals described in paragraph (3);

(7) United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop strategies, as part of annual program planning—

(A) to promote efforts to end such abuse of human rights; and

(B) to identify and integrate global best practices, as available, into such strategies to avoid duplication of effort; and

(8) in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give serious consideration to those programs and candidates that are expected to promote the end to the abuse of human rights described in this section.

(9) Congress finds the following:

(A) The recruitment or use of children in armed conflict is unacceptable for any government or government-supported entity receiving United States assistance.

(B) The recruitment or use of children in armed conflict, including direct combat, support roles, and sexual slavery, occurred during 2016 or 2017 in Afghanistan, Iran, Mali, Niger, South Sudan, Sudan, Burma, the Democratic Republic of the Congo, Iraq, Nigeria, Rwanda, Somalia, Syria, and Yemen.

(C) Entities of the Government of Afghanistan, particularly the Afghan Local Police and Afghan National Police, continue to recruit children to serve as combatants or as servants, including as sex slaves.

(D) Police forces of the Government of Afghanistan participate in counterterrorism operations, direct and indirect combat, security operations, fight alongside regular armies, and are targeted for violence by the Taliban and other opposition groups.

(E) In February 2016, a 10-year-old boy was assassinated by the Taliban after he had been publicly honored by Afghan local police forces for his assistance in combat operations against the Taliban.

(F) Recruitment and use of children in armed conflict by government forces has continued in South Sudan with the return to hostilities.

(G) At least 19,000 children have been recruited since South Sudan's civil war began in 2013.

#### **SEC. 404. PROHIBITION.**

(a) **IN GENERAL.**—Subject to subsections (b) through (f), the authorities contained in sections 516, 541, and 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j, 2347, and 2348) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be used to provide assistance to, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b), for the most recent year preceding the fiscal year in which the authorities or license would have been used or issued in the absence of a violation of this title, as having governmental armed forces, police, or other security forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) **IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.** —

(1) **PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.** —The Secretary of State shall include a list of the foreign governments that have violated the standards under this title and are subject to the prohibition in subsection (a) in the report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) **NOTIFICATION** —

(A) **In General** — Not later than 45 days after the date on which each report is submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the Secretary of State shall formally notify each government included in the list under paragraph (1) that such government is included in such list.

(B) **CONGRESSIONAL NOTIFICATION.** —As soon as practicable after making all of the notifications required under subparagraph (A) with respect to a report, the Secretary of State shall notify the appropriate congressional committees that the requirements of subparagraph (A) have been met.

(c) **NATIONAL INTEREST WAIVER.** —

(1) **WAIVER.** —The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers.

(2) **PUBLICATION AND NOTIFICATION.** —Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver and the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE. —The President may provide to a country assistance otherwise prohibited under subsection

upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 404(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY. —

(1) IN GENERAL.—The President may provide assistance under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) through the Defense Institute for International Legal Studies or the Center for Civil- Military Relations at the Naval Postgraduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code), to a country subject to the prohibition under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION. —The exception under paragraph (1) may not remain in effect for a country for more than 5 years.

(f) EXCEPTION FOR PEACEKEEPING OPERATIONS – The limitation set forth in subsection (a) that relates to section 551 of the Foreign Assistance Act of 1961 shall not apply to programs that support military professionalization, security sector reform, heightened respect for human rights, peacekeeping preparation, or the demobilization and reintegration of child soldiers.

## **SEC. 405. REPORTS.**

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS. —United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS. —In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS. —If a country is notified pursuant to section 404(b)(2), or a waiver is granted pursuant to section 404(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year. The report shall include—

(1) a list of the countries receiving notification that they are in violation of the standards under this title;

- (2) a description and the amount of any assistance withheld under this title pursuant to the application to those countries of the prohibition in section 404(a);
- (3) a list of any waivers or exceptions exercised under this title;
- (4) justification for any such waivers and exceptions; and
- (5) a description and the amount of any assistance provided under this title pursuant to the issuance of such waiver.

(d) INFORMATION TO BE INCLUDED IN ANNUAL TRAFFICKING IN PERSONS REPORT.—If the Secretary of State notifies a country pursuant to section 404(b)(2), or the President grants a waiver pursuant to section 404(c)(1), the Secretary of State shall include, in each report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the information required to be included in the annual report to Congress under paragraphs (1) through (5) of subsection (c).

#### **SEC. 406. TRAINING FOR FOREIGN SERVICE OFFICERS.**

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following: “(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.”.

#### **SEC. 407. EFFECTIVE DATE; APPLICABILITY.**

This title, and the amendments made by this title, shall take effect 180 days after the date of the enactment of this Act.

#### **Sec. 408. ELIMINATION OF CHILD SEXUAL ASSAULT BY AFGHAN SECURITY FORCES —**

(a) Sense of Congress — It is the sense of Congress that the Department of State and the Department of Defense should fully implement the recommendations in the Special Inspector General for Afghanistan Reconstruction’s 2017 report on Child Sexual Assault in Afghanistan.

(b) REPORT ON STATUS OF IMPLEMENTATION OF RECOMMENDATIONS. —Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall report to the appropriate congressional committees on the status of implementation, within their respective departments, of each recommendation included in the report referenced in paragraph (1).

(c) REPORT ON INTERAGENCY EFFORTS TO MONITOR ABUSES. —Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall report to the appropriate congressional committees on the status of interagency efforts to establish effective, coherent, and discrete reporting by United States personnel on child sexual abuse by Afghan security forces with whom they train or advise or to whom they provide assistance.

(d) PRIORITIZATION AT MINISTERIAL CONFERENCE ON AFGHANISTAN. —The Department of State shall ensure that the issue of child sexual assault by Afghan security forces is incorporated and elevated as an issue of international concern and focus at the next Ministerial Conference on Afghanistan, scheduled for November 27-28, 2018, in Geneva, Switzerland, with the goal of ending the illegal but ongoing practice known as “bacha bazi”.



(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED. — In this subsection, the term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and
- (B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.