



# Trafficking Victims Protection Reauthorization Act of 2022

Senators Grassley and Feinstein

- Reauthorizes the Trafficking Victims Protection Act of 2000, which expired in September 2021.
- Extends and updates programs for domestic human trafficking survivors, while increasing the funding authorization to reflect current spending levels in the period from fiscal years 2022-2027.

## TITLE I—PROGRAMS AUTHORIZED

### **Sec. 101. Authority to award competitive grants to enhance collaboration between state child welfare and juvenile justice systems.**

This section is designed to encourage state agencies that oversee child welfare and juvenile justice programs to work together to keep at-risk youth safe and off the streets. Research suggests that 50-90% of youths who are commercially sexually exploited in the United States have a history of child welfare system involvement. These youths, if they are arrested for trafficking-related offenses, may enter the juvenile or criminal justice systems, where they typically face additional challenges because of lack of coordination between these systems. To this end, this section authorizes the Department of Health and Human Services to award competitive grants to improve data collection on youths who are involved in both systems (a/k/a “dual status youth”) and encourage better cooperation between state agencies overseeing juvenile justice and child welfare programs.

### **Sec. 102. Employment and education program for trafficking survivors with a history in the state child protection and welfare system.**

Calls for the U.S. Department of Health and Human Services to award cooperative agreements with organizations to provide wrap-around social services for trafficking survivors; assist with enrollment into funding to pay for mental health care; assist with enrollment into college or technical schools; assist with expunging non-violent criminal records for crimes committed as a consequence of trafficking; and provide basic education (e.g., GED), life skills training, job skills training, professional development, and post-secondary scholarships for trafficking victims who have a history in the child welfare system.

### **Sec. 103. Elimination of the Sunset for the Advisory Council on Human Trafficking.**

Section 115(h) of the Justice for Victims of Trafficking Act of 2015 is amended by striking the sunset for the U.S. Advisory Council on Human Trafficking to make the Council a permanent part of the U.S. Government commitment for survivor-informed policy.

**Sec. 104. Pilot program for youth at high risk of being trafficked.**

The inclusion of this section, which calls for the establishment of a Department of Justice pilot program, reflects concerns that youth in the foster care system are particularly susceptible to commercial sexual exploitation by the perpetrators of human trafficking offenses. It authorizes funds for the establishment of a pilot demonstration program, through which community-based organizations in underserved communities, prioritizing rural communities across the nation, can apply for funding to develop, implement, and build replicable treatment models for residential-based innovative care, treatment, and services. The primary population served by such pilot program will include adolescents and youths transitioning out of foster care who struggle with substance use disorder or who have experienced a history of foster care involvement, child poverty, child abuse or neglect, human trafficking, juvenile justice involvement or gang involvement, or are pregnant or parenting. Community-based programs providing crisis stabilization, emergency shelter, and addiction treatment for adolescents and transitional age residential programs, with reputable outcomes will be accorded priority in funding, under this program.

**Sec. 105. Facilitating United States investigations into potential human trafficking cases.**

Bars officials who investigate sex trafficking from engaging in sexual acts or contact with witnesses, victims, potential witnesses, and potential victims during the investigation (amends 18 U.S.C. § 1591(d)). Adds protection from retaliation, witness tampering, and intimidation to civil claims (changes to 18 U.S.C. § 1595). Prevents obstruction of forced labor investigations and prosecutions (amends 18 U.S.C. § 1589).

**Sec. 121. Preventing Trafficking of persons in Federal Contractor Supply Chains.**

Prevents trafficking in federal contractor supply chains by imposing a requirement that each federal contractor does not engage in prohibited activities including trafficking of persons. A contractor of the federal government must certify annually to the contracting officer that 1) to the best of their knowledge and belief, neither the contractor nor any agents engaged in any prohibited conduct included trafficking in persons, and 2) if any violations occur, appropriate actions are taken.

**Sec. 122. Ensuring anti-trafficking in persons trainings and provisions into codes of conduct for all federal departments and executive agencies.**

Requires that codes of conduct and training must be in place within 18 months of enactment and signed by all federal employees within 24 months of enactment. Provisions include a prohibition on procuring any form of trafficking in persons while employed by the federal government and training guidance for preventing, recognizing, and reporting human trafficking offenses. The Office of the Inspector General and federal agencies will annually report the number of suspected violations, their status, and investigation outcomes to Congress and the public.

**Sec. 123. GAO study on accessibility of mental health services and substance use disorders.**

Requires the Comptroller General to study and report to Congress, within three years of enactment, on the accessibility of mental health care and substance use disorder treatment for survivors of trafficking in the United States.

**Sec. 131. Transparency in anti-trafficking expenditures.**

Requires that cabinet departments or agencies receiving appropriated funds for the purpose of awarding funds for anti-trafficking efforts shall periodically post grant-related information on their public websites. Such information must include the name of the grant recipient, any subgrantee(s), project location, activity, award amounts, and award periods. This requirement is effective 90 days after enactment; thereafter, it is required to be accomplished by October 1<sup>st</sup> of each calendar year until 2027.

**Sec. 132. Sense of Congress on U.S. companies adopting counter-trafficking in persons policies.**

U.S. companies with over 500 employees should publicly establish or incorporate anti-trafficking in persons policy that at a minimum prohibit engaging in severe forms of trafficking in persons, using forced labor, denying or withholding an employee's identity/immigration documents, using fraudulent recruitment processes, charging recruitment fees, providing inadequate housing, etc.

**Sec. 133. Amendments to the Child Abuse Prevention and Treatment Act of 1974.**

42 U.S.C § 5106(g) is amended to note that children who are victims of sex or labor trafficking is defined in accordance with severe forms of trafficking in persons (TIP) and are considered both "a victim of 'child abuse' and 'neglect' and 'sexual abuse.'

**Sec. 134. Sense of Congress regarding timely submission of Department of Justice reports.**

Expresses sense of Congress that DOJ has failed to meet reporting requirements under Title IV of the TVPRA of 2017, which is needed for understanding trafficking data collection and crime reporting.

**Sec. 135. Sense of Congress regarding criteria for classifying victims of Child Sex Trafficking.**

Expresses sense of Congress that all states should eliminate the requirement for third party control to properly qualify a child as a victim of child sex trafficking. This is important in order to aid in the identification and prevention of child sex trafficking, protect children, and appropriately prosecute the perpetrators. It also includes the definition to qualify as a victim of child sex trafficking.

**Sec. 136. Rescue of missing and abducted foster children and youth.**

Expresses sense of Congress that State child welfare agencies should prioritize the development and implementation of protocols to report information on missing and abducted children to the National Center for Missing and Exploited Children and law enforcement authorities; and make annual reports on child sex trafficking victims (due 2017) to the Department of Health and Human Services. Also calls for federal investigators to assist in rescue operations to assist in the identification of children who have gone missing from the child welfare system.

**Sec. 137. Modification to State Plan for Foster Care and Adoption Assistance.**

Amends the Social Security Act to include a section requiring the state agency maintain regular communication with law enforcement and NCMEC to provide a safe recovery of a missing or updated child or youth. This includes sharing (when possible) information such as a photo of the missing or abducted youth, a description of the child/youth's features, and endangerment information such as pregnancy status, prescription medications, suicidal tendencies, vulnerability to being trafficked, or other risk factors.

**Sec. 138. Survivors' Bill of Rights.**

Promotes justice for survivors by encouraging states to adopt the same protections for survivors of

state sex crimes that already exist at the federal level. This bill builds on the legacy of the initial legislation introduced and passed in 2016, which led to 21 states adopting similar legislation. This encourages states to ensure that survivors have, at minimum, the rights guaranteed to them under federal law.

**Sec. 301. Severability Clause.**

If any part of this act is held unconstitutional, the remainder of the legislation shall not be affected.

**TITLE II—AUTHORIZATION OF APPROPRIATIONS**

**Sec. 201. Extension of authorizations under the Trafficking Victims Protection Act of 2000.**

Reauthorizes selected programs for domestic trafficking victims that are carried out by four cabinet departments, including:

- \$23 million for the Department of Health and Human Services to extend benefits and assistance to human trafficking survivors, with \$5 million set aside for the National Human Trafficking Hotline and \$8 million for the Department to collaborate with the Department of Justice;
- \$77 million for Department of Justice victim protection services;
- New annual authorization of \$35 million for Office of Victims of Crime Housing Assistance Grants for Victims of Human Trafficking;
- \$11 million for the Attorney General and HHS to expand benefits to serve American citizens and lawful permanent residents who are trafficking victims;
- \$5 million for the Department of Labor’s foreign national benefits program;
- \$10 million for ICE investigations into severe trafficking in persons cases (with \$2 million provided for the Department of Homeland Security’s labor trafficking investigation team within Center for Countering Human Trafficking).

**Sec. 202. Extension of authorizations under the International Megan’s Law.**

Extends annual authorization of \$6 million (34 U.S.C. § 21509). Extends current Angel Watch Center DHS/Department of State funding by amending 34 U.S.C. § 21509.

**Sec. 203. Extension of authorizations for the Human Exploitation Rescue Operation Child-Rescue Corps Program.**

Extends DHS ICE HERO program funding by amending 6 U.S.C. § 473(f)(7)(g)(2). Funding amount is \$2-10 million annually. It is a paid federal internship that recruits and trains veterans as computer forensic analysts to combat child exploitation.

**Sec. 204. Improving Enforcement of Section 307 of the Tariff Act of 1930.**

Newly authorizes \$20 million annually for the CBP Commissioner to strengthen enforcement of Sec.307 of the Tariff Act of 1930 (19 U.S.C. § 1307), which was requested in the last President’s budget.