112TH CONGRESS
1ST SESSION

H. R. 3589

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2011

Mr. SMITH of New Jersey (for himself and Mr. ISSA) introduced the following bill, which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

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

2. SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

3. (a) SHORT TITLE.—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2011”.

4. (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title and table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Authority to restrict passports.
Sec. 102. Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking.
Sec. 103. Prevention of trafficking.
Sec. 104. Reports to Congress.
Sec. 105. Temporary increase in fee for certain consular services.
Sec. 106. Additional activities to monitor and combat forced labor and child labor.
Sec. 107. Enhancing protection for children exploited abroad by United States citizens and permanent resident aliens.
Sec. 108. Sense of Congress on human trafficking in Cambodia.
Sec. 109. Prohibition on peacekeeping operations assistance to countries that recruit and use child soldiers and revision to national interest waiver under the Child Soldiers Prevention Act of 2008.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000
Sec. 201. Transfer of United States programming to the Attorney General.
Sec. 203. Ensuring timely response to requests for continued presence.
Sec. 204. Report to Congress.

Subtitle B—Amendments to Title 18, United States Code
Sec. 211. Renaming of basic Federal trafficking statute.
Sec. 212. Clarifying trafficking definitions and prosecution.
Sec. 213. Fighting sex tourism.
Sec. 214. Identification documents.
Sec. 215. Fraud in foreign labor contracting as a Rico Predicate.

Subtitle C—Amendments to Other Laws
Sec. 221. Enhancing efforts to combat the trafficking of children.
Sec. 222. Improving local efforts to combat trafficking and sexual exploitation of children.
Sec. 223. Efforts to publicize the National Human Trafficking Resource Center hotline.

TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Trafficking Victims Protection Act of 2000.
Sec. 303. Eligibility for assistance.
Sec. 304. Reporting requirements.
TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) limit to 1 year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a sex offender; and

(2) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) REAPPLICATION.—An individual whose passport or passport card was revoked pursuant to subsection (a)(2) may reapply for a passport or passport card at any time after such individual has returned to the United States.
(d) DEFINITIONS.—For purposes of this section:

(1) SEX OFFENDER.—The term “sex offender” means an individual who is listed on the National Sex Offender Registry established pursuant to section 119 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

(2) SEX OFFENSE.—The term “sex offense” means a sex offense as defined in section 111(5) of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

SEC. 102. OFFICE TO MONITOR AND COMBAT MODERN SLAVERY AND OTHER FORMS OF HUMAN TRAFFICKING.

(a) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended—

(1) in the heading, by striking “OFFICE TO MONITOR AND COMBAT TRAFFICKING” and inserting “OFFICE TO MONITOR AND COMBAT MODERN SLAVERY AND OTHER FORMS OF HUMAN TRAFFICKING”;

(2) in paragraph (1)—

(A) in the first sentence, by striking “Office to Monitor and Combat Trafficking” and inserting “Office to Monitor and Combat Mod-
ern Slavery and Other Forms of Human Trafficking”; and

(B) in the second sentence—

(i) by striking “a Director” and inserting “an Ambassador-at-Large for Combating Human Trafficking (referred to in this section as the ‘Ambassador’)”;

(ii) by striking “with the rank” and inserting “with the rank and status”; and

(iii) in the third, fourth, and fifth sentences, by striking “Director” each place it appears and inserting “Ambassador”; and

(3) in paragraph (2)—

(A) by striking “Director” each place it appears and inserting “Ambassador”; and

(B) in subparagraph (B), by striking “Office to Monitor and Combat Trafficking” each place it appears and inserting “Office to Monitor and Combat Modern Slavery and Other Forms of Human Trafficking”.

(b) CONFORMING AMENDMENTS.—Any reference in the Trafficking Victims Protection Act of 2000 or in any other Act to the Office to Monitor and Combat Trafficking or to the Director of the Office to Monitor and Combat Trafficking shall be deemed to be a reference to the Office
To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking or to the Ambassador-at-Large for Combating Human Trafficking, respectively.

**SEC. 103. PREVENTION OF TRAFFICKING.**

(a) **Economic Alternatives To Prevent and Deter Trafficking.**—Section 106(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)) is amended—

(1) by striking “The President” and inserting the following:

“(1) **IN GENERAL.**—The President”;

(2) in paragraph (1) (as redesignated), by inserting “targeted” after “carry out”;

(3) by striking “Such initiatives” and inserting the following:

“(2) **INITIATIVES.**—Such initiatives”;

(4) by redesignating paragraphs (1) through (5) that follow paragraph (2) (as redesignated) as subparagraphs (A) through (E), respectively, and by moving the margins two ems to the right;

(5) in paragraph (2) (as redesignated)—

(A) in subparagraph (A) (as redesignated), by inserting “and micro-enterprise” after “microcredit”;
(B) in subparagraph (D) (as redesignated), by striking “and” at the end;

(C) in subparagraph (E) (as redesignated), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(F) public-private partnerships to generate youth employment opportunities.”; and

(6) by adding at the end the following:

“(3) PRIORITY FOR POTENTIAL VICTIMS OF TRAFFICKING.—In carrying out such initiatives, the President may give priority to the following persons who are potential victims of trafficking:

“(A) Stateless persons.

“(B) Refugees and internally displaced persons.

“(C) Persons who lack access to legal representation or are otherwise marginalized.

“(D) Persons from regions of limited social protections or educational or economic options for women, particularly persons who are victims of sexual abuse or exploitation.

“(E) Persons from regions of high undocumented migration or displacement resulting from violent conflict or natural disasters.
“(F) Persons from regions with high rates of child labor, child abandonment, or child sex tourism.

“(G) Persons who meet one or more of the criteria in subparagraphs (A) through (F).”.

(b) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—Section 106(h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(h)) is amended—

(1) by striking “The” and inserting the following:

“(1) INCORPORATION OF MEASURES INTO EXISTING PROGRAMS.—The”; and

(2) by adding at the end the following:

“(2) AUTHORIZATION OF ASSISTANCE TO SPECIFICALLY ADDRESS POST-CONFLICT AND HUMANITARIAN EMERGENCIES.—The Secretary of State, acting through the Ambassador-at-Large for Combating Human Trafficking, is authorized to provide assistance on an urgent basis for vulnerable populations at risk of severe forms of trafficking in persons in conjunction with post-conflict situations and humanitarian emergencies.”.
SEC. 104. REPORTS TO CONGRESS.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, acting through the Ambassador-at-Large for Combating Human Trafficking,” after “Secretary of State”; 

(B) in subparagraph (E), by striking “and” at the end;

(C) by redesignating subparagraph (F) as subparagraph (I); and

(D) by inserting after subparagraph (E) the following:

“(F) a section entitled ‘Best Practices in Slavery Eradication’ to highlight innovations in prevention, protection, and prosecution of the perpetrators of trafficking, as well as public-private partnerships;

“(G) a section entitled ‘Refugee-Trafficking Connection’ to highlight the vulnerability of refugee populations to human trafficking and to make recommendations for the prevention of refugee trafficking;

“(H) an assessment of the actions taken by the Department of State and the Depart-
ment of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A–3 visa or a G–5 visa (as such terms are defined in section 203(f) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008), results of such investigations; and

(2) in paragraph (2), by inserting “, acting through the Ambassador-at-Large for Combating Human Trafficking,” after “Secretary of State”.

**SEC. 105. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.**

Section 239(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1351 note) is amended by striking “the date that is 3 years after the first date on which such increased fee is collected” and inserting “September 30, 2015”.

**SEC. 106. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.**

(a) IN GENERAL.—Section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)) is amended—

(1) in paragraph (1), by inserting “and the United States” after “foreign countries”; and

(2) in paragraph (2)(C)—
(A) by inserting “and Congress” after “public”; and

(B) by inserting “, including the United States,” after “countries”.

(b) ADDITIONAL ACTIVITIES OF THE DEPARTMENT OF STATE.—Section 105 of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112) is amended by adding at the end the following:

“(c) ADDITIONAL ACTIVITIES OF THE DEPARTMENT OF STATE.—

“(1) SHORT TITLE.—This subsection may be cited as the ‘Business Transparency on Trafficking and Slavery Act’.

“(2) DISCLOSURE.—The Secretary of State, acting through the Ambassador-at-Large for Combating Human Trafficking, shall encourage any person described in paragraph (3)(B) to disclose on an annual basis on the person’s website and to the Secretary of State any measures such person has taken during the year to identify and address conditions of forced labor, slavery, human trafficking, and the worst forms of child labor within such person’s supply chains. Such disclosure should include the following information under a heading ‘Policies to Address Forced Labor, Slavery, Human Trafficking
and the Worst Forms of Child Labor’ describing to what extent, if any, the person conducts any of the following activities:

“(A) Maintains a policy to identify and eliminate risks of forced labor, slavery, human trafficking, and the worst forms of child labor within its supply chain. If the person maintains such a policy, the disclosure should include the text of the policy or a substantive description of the elements of the policy.

“(B) Maintains a policy prohibiting the use of the person’s corporate products, facilities, or services to obtain or maintain someone under conditions of forced labor, slavery, human trafficking, and the worst forms of child labor.

“(C) Engages in verification of product supply chains to evaluate and address risks of forced labor, slavery, human trafficking and the worst forms of child labor. The disclosure should—

“(i) describe the greatest risks identified within the supply chain, and the measures taken toward eliminating those risks;
“(ii) specify whether the verification was or was not conducted by a third party; and

“(iii) specify whether the verification process includes consultations with independent unions, workers’ associations, or workers within workplaces and incorporates the resulting certification or written comments from such independent union, workers’ associations, or workers.

“(D) Ensures that audits of suppliers are conducted to evaluate supplier compliance with the person’s company standards for eliminating forced labor, slavery, human trafficking, and the worst forms of child labor in supply chains. The disclosure should specify if the verification was not an independent, unannounced audit.

“(E) Assesses supply chain management and procurement systems of suppliers in the person’s supply chain, to verify whether said suppliers have in place appropriate systems to identify risks of forced labor, slavery, human trafficking, and the worst forms of child labor within their own supply chain.
“(F) Requires suppliers in its supply chain to certify that materials incorporated into the product comply with the laws regarding forced labor, slavery, human trafficking, and the worst forms of child labor of the country or countries in which they are doing business.

“(G) Maintains internal accountability standards, supply chain management and procurement systems, and procedures for employees or contractors failing to meet the person’s company standards regarding forced labor, slavery, human trafficking, and the worst forms of child labor. The disclosure should describe such standards and systems.

“(H) Provides the person’s employees and management who have direct responsibility for supply chain management, training on forced labor, slavery, human trafficking and the worst forms of child labor, particularly with respect to mitigating risks within the supply chains of products.

“(I) Ensures that recruitment practices at all suppliers comply with the person’s company standards for eliminating exploitive labor practices that contribute to forced labor, slavery,
human trafficking, and the worst forms of child labor, including by conducting audits of labor recruiters and disclosing the results of such audits.

“(J) In cases where forced labor, slavery, human trafficking, and the worst forms of child labor have been identified within the supply chain, ensures that remediation is provided to those who have been identified as victims.

“(3) DEFINITIONS.—In this subsection—

“(A) the term ‘forced labor, slavery, human trafficking and the worst forms of child labor’ means child labor in violation of international standards including International Labor Organization Convention No. 182 and acts that would violate the criminal provisions related to slavery and human trafficking under chapter 77 of title 18 if they had been committed within the jurisdiction of the United States;

“(B) the term ‘person’ means any publicly-traded or private entity wherever located, carrying out business operations in the United States, and having annual worldwide global receipts in excess of $100,000,000;
“(C) the term ‘remediation’ means the activities or systems that a company puts in place to address non-compliance with the standards identified through monitoring or verification, which may apply to individuals adversely affected by the non-compliant conduct or address broader systematic processes;

“(D) the term ‘supply chain’, with respect to a person making the disclosure described in subsection (a), means all suppliers of products, component parts of products, and raw materials used by such person in the manufacturing of such person’s products or the provision of such person’s services, whether or not such person has a direct relationship with the supplier; and

“(E) the term ‘verification’ means the process by which a company is evaluated to determine compliance with its documented program, including standards on forced labor, slavery, human trafficking, and the worst forms of child labor, including an evaluation of—

“(i) data gathered through monitoring activities to ensure results are reliable and process is credible; and
“(ii) the system established to reme-
diate violations to determine if remediation
is implemented and effective.”.

SEC. 107. ENHANCING PROTECTION FOR CHILDREN EX-
PLOITED ABROAD BY UNITED STATES CITI-
ZENS AND PERMANENT RESIDENT ALIENS.

Section 2423 of title 18, United States Code, is
amended—

(1) in subsection (c)—

(A) by inserting “or engages in travel af-
flecting” before “foreign commerce”; and

(B) by inserting “(even if residing, whether
temporarily or permanently, in a foreign juris-
diction)” after “foreign commerce”; and

(2) by inserting after subsection (g) the fol-
lowing:

“(h) NON-DEFENSES.—It is not a defense to a pros-
ceution under subsection (c), based on illicit sexual con-
duct, that the defendant is not criminally liable or is sub-
ject to reduced criminal liability due to the de jure or de
facto acceptance of the illicit conduct in the foreign juris-
diction in which the defendant travels or resides.’’.

SEC. 108. SENSE OF CONGRESS ON HUMAN TRAFFICKING
IN CAMBODIA.

(a) FINDINGS.—Congress finds the following:
(1) According to notable news sources, the Kingdom of Cambodia remains a “magnet” for those who sexually prey on the young.

(2) Human Rights Watch reports that “human trafficking of women and girls into sex work is a problem in Cambodia, fuelled by corruption and a lack of political will to prosecute traffickers”.

(3) According to Human Rights Watch, “Cambodia is plagued not only by widespread abuses committed by officials, but impunity for perpetrators.”

(4) The 2011 Department of State’s Trafficking in Persons Report (TIP) states that “the Government of Cambodia did not demonstrate progress in law enforcement efforts against trafficking crimes during the year”, and that “in some cases, Cambodian police were reportedly unwilling to pursue investigations of several suspected trafficking establishments during the year because the establishments were thought to be owned by or affiliated with high-ranking officials”.

(5) The Government of Cambodia convicted only 20 trafficking offenders during 2010, “a decrease from 36 the previous reporting period”, according to the 2011 TIP Report.
(6) There was no improvement in efforts by the Government of Cambodia to identify and protect trafficking victims during the previous reporting period, according to the 2011 TIP Report.

(7) According to the 2011 TIP Report, “countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so”, will be designated as Tier 3 countries pursuant to section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107).

(b) Sense of Congress.—It is the sense of Congress that—

(1) the measures taken by the Government of Cambodia are insufficient in addressing the scope of Cambodia’s human trafficking problem; and

(2) Cambodia should be designated as a Tier 3 country pursuant to section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107).

SEC. 109. PROHIBITION ON PEACEKEEPING OPERATIONS ASSISTANCE TO COUNTRIES THAT RECRUIT AND USE CHILD SOLDIERS AND REVISION TO NATIONAL INTEREST WAIVER UNDER THE CHILD SOLDIERS PREVENTION ACT OF 2008.

(a) Prohibition on Peacekeeping Operations Assistance.—
(1) IN GENERAL.—Section 404(a) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1(a)) is amended—

(A) by striking “or 541” and inserting “, 541, or 551”; and

(B) by striking “or 2347” and inserting “, 2347, or 2348”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to amounts made available for assistance under section 551 of the Foreign Assistance Act of 1961 that are unobligated or unexpended on or after such date.

(b) NATIONAL INTEREST WAIVER.—Section 404(c) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1(c)) is amended to read as follows:

“(c) NATIONAL INTEREST WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if—

“(1) the President determines that such waiver is in the national interest of the United States; and

“(2) the President provides to the appropriate congressional committees at least 15 days in advance of exercising the waiver a justification for granting such a waiver, including a certification that
the government of the country has taken credible
and verifiable steps to implement a plan of action to
end the recruitment and use of child soldiers, includ-
ing the demobilization of child soldiers.”.

SEC. 110. REPORT ON INTERNET-FACILITATED HUMAN
TRAFFICKING.

(a) IN GENERAL.—Not later than January 1, 2013,
the Senior Policy Operating Group, in coordination with
the Office to Combat Modern Slavery and Other Forms
of Human Trafficking of the Department of State, shall
submit to Congress a report on Internet-facilitated human
trafficking.

(b) MATTERS TO BE INCLUDED.—The report shall
include the following:

(1) Statistics and trends relating to Internet-fa-
cilitated human trafficking cases over the last 10
years. To the extent possible, the statistics and
trends should be broken down by Federal depart-
ment and agency handling each case.

(2) Factors that impact the prevalence of Inter-
net-facilitated trafficking, such as geography, sea-
son, and large events.

(3) Specific challenges faced by Federal depart-
ments and agencies in preventing Internet-facilitated
trafficking and prosecuting offenders.
(4) Proposals to assist the Federal government to prevent Internet-facilitated human trafficking. In drafting the proposals, the Senior Policy Operating Group should examine—

(A) adoption of cutting-edge technology;
(B) collaboration between the private and public sectors;
(C) enforcement of current laws;
(D) improved information gathering and interdepartmental collaboration; and
(E) development of new laws and policies.

(c) CONSULTATION.—In preparing the report, the Senior Policy Operating Group should consult with local law enforcement and private-sector and non-profit agencies that have demonstrated a commitment to ending Internet-facilitated human trafficking.

(d) DEFINITIONS.—In this section—

(1) the term “Internet-facilitated human trafficking” means the use of the Internet to engage in severe forms of trafficking in persons;
(2) the term “Senior Policy Operating Group” means the Senior Policy Operating Group—
(A) established under section 105(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(f)); and
(B) chaired by the Ambassador-at-Large for Combating Human Trafficking; and

(3) the term “severe forms of trafficking in persons” has the meaning given such term in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

SEC. 201. TRANSFER OF UNITED STATES PROGRAMMING TO THE ATTORNEY GENERAL.

(a) Interagency Task Force To Monitor and Combat Trafficking.—Section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103) is amended—

(1) in subsection (b), by striking “the Secretary of Health and Human Services,”; and

(2) in subsection (d)(7)(A), by striking “the Secretary of Health and Human Services,”.

(b) Prevention of Trafficking Through Public Awareness.—Section 106(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(b)) is
amended by striking “the Secretary of Health and Human Services,”.

(c) ASSISTANCE FOR VICTIMS IN THE UNITED STATES.—Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended—

(1) in subparagraph (B), by striking “the Secretary of Health and Human Services” each place it appears and inserting “the Attorney General”; and

(2) in subparagraph (E)—

(A) in clause (i)—

(i) by striking “the Secretary of Health and Human Services” and inserting “the Attorney General”; and

(ii) by striking “the Attorney General and”; and

(B) in clause (iv), by striking “the Secretary of Health and Human Services” and inserting “the Attorney General”.

(d) TRAFFICKING VICTIM REGULATIONS.—Section 107(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) is amended by striking “the Secretary of Health and Human Services” and inserting “the Secretary of Homeland Security”.

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(e) Assistance for United States Citizens and Lawful Permanent Residents.—Section 107(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(f)) is amended—

(1) in paragraph (1)—

(A) by striking “The Secretary of Health and Human Services and the” and inserting “The”; and

(B) by striking “the Secretary and”; and

(2) in paragraph (3)(A), by striking “The Secretary of Health and Human Services and the” and inserting “The”.

(f) Research on Domestic and International Trafficking in Persons.—Section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended by striking “the Secretary of Health and Human Services.”.

SEC. 202. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) Appointment.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting after “Education,” the following: “the Director of the Peace Corps,”.

(b) Report on Activities of Government Contractors and Subcontractors.—Section 105(d)(7) of
the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (H)(iii), by striking the semicolon at the end and inserting the following: “,

including whether—

“(I) employee handbooks or handbook equivalents of such government contractors and subcontractors describe the United States Government’s zero-tolerance policy regarding trafficking in persons and the actions, up to and including termination, that the employer will take against its employees for violations of the zero-tolerance policy; and

“(II) any employees of such government contractors or subcontractors have been disciplined or terminated or prosecuted for violation of the zero-tolerance policy;”; and

(2) in subparagraph (I)(i), by adding at the end before the semicolon the following: “, including the extent to which Federal departments and agencies have terminated any contracts of United States Government’s contractors or subcontractors based on a
trafficking in persons offense and whether any em-
ployees of any United States Government’s con-
tractor or subcontractor have been disciplined, ter-
minated, or prosecuted for violation of the zero-toler-
ance policy”.

(c) REPORT ON ACTIVITIES OF BUREAU OF JUSTICE
ASSISTANCE.—Section 105(d)(7) of the Trafficking Vic-
tims Protection Act of 2000 (22 U.S.C. 7103(d)(7)), as
amended by subsection (b) of this section, is further
amended—

(1) in subparagraph (I), by striking “and” at
the end;

(2) in subparagraph (J), by striking the period
at the end and inserting “; and”; and

(3) by adding the following:

“(K) with regard to grant activities of the
Bureau of Justice Assistance—

“(i) for each human trafficking
taskforce whose operations are supported
by grants from the Department of Justice,
the number of reports of trafficking, inves-
tigations of trafficking, T- and U-visa cer-
tifications requested and granted in con-
nection with instances of trafficking, re-
quests for continuation of presence under
107(c)(A)(iii) and grants of the same;

“(ii) a description of the data de-
scribed in clause (i) classified by certain
identifying information of each trafficking
victim including sex, age, citizenship, and
whether that individual was the victim of
trafficking for purposes of labor or for
commercial sex; and

“(iii) an outline of the content of any
existing protocols of the human trafficking
taskforce for reporting trafficking and
points of entry into the criminal investiga-
tion and service provision collaboration.”.

SEC. 203. ENSURING TIMELY RESPONSE TO REQUESTS FOR
CONTINUED PRESENCE.

Section 107(c)(3)(A)(i) of the Trafficking Victims
Protection Act of 2000 (22 U.S.C. 7105 (c)(3)(A)(i)) is
amended—

(1) by inserting “or may be a victim of a severe
form of trafficking” before “and may be a potential
witness”; and

(2) by adding after the period at the end the
following: “If a request for continued presence is
made to a Federal law enforcement official, such of-
ficial shall respond to the request not later than 15
days after the date on which such request was made,
stating whether the official has filed the application
for continued presence with the Secretary of Hom-
land Security and, if not, whether the official expects
to do so. Not later than one month after the date
on which such an application is filed, the Secretary
of Homeland Security shall approve or deny that ap-
plication.”.

SEC. 204. REPORT TO CONGRESS.

Section 110(b) of the Trafficking Victims Protection
Act of 2000 (7107(b)) is amended by adding at the end
the following:

“(5) ADDITIONAL REPORTING REQUIREMENT.—
In addition to the information required in the an-
nual report under paragraph (1) and the interim re-
port under paragraph (2), the Secretary of State
shall include in each such report a description of ef-
forts of the United States to comply with minimum
standards for the elimination of trafficking.”.
Subtitle B—Amendments to Title 18, United States Code

SEC. 211. RENAMING OF BASIC FEDERAL TRAFFICKING STATUTE.

(a) IN GENERAL.—The section heading for section 2422 of title 18, United States Code, is amended by striking “Coercion and enticement” and inserting “Sex trafficking and related offenses”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended so that the item relating to section 2422 reads as follows:

“2422. Sex trafficking and related offenses.”.

SEC. 212. CLARIFYING TRAFFICKING DEFINITIONS AND PROSECUTION.

(a) IN GENERAL.—The section heading for section 1591 of title 18, United States Code, is amended by striking “Sex trafficking of children or by force, fraud, or coercion” and inserting “Severe forms of trafficking in persons”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended so that the item relating to section 1591 reads as follows:

“1591. Severe forms of trafficking in persons.”.
SEC. 213. FIGHTING SEX TOURISM.

The heading for subsection (d) of section 2423 of title 18, United States Code, is amended by striking “Ancillary offenses” and inserting “Child sex tourism”.

SEC. 214. IDENTIFICATION DOCUMENTS.

(a) In General.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

“§ 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, or, for a period of more than 48 hours, conceal, remove, confiscate, or possess, an actual or purported passport, other immigration, or personal identification document of another individual—

“(1) in the course of a violation of 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.**—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(c) **Obstruction.**—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 (b).”.

(b) **Clerical Amendment.**—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following:

“1597. Unlawful conduct with respect to immigration documents.”.

**SEC. 215. FRAUD IN FOREIGN LABOR CONTRACTING AS A RICO PREDICATE.**

Section 1961 of title 18, United States Code, is amended in paragraph (1)(B) by inserting “section 1351 (fraud in foreign labor contracting),” after “section 1344 (relating to financial institution fraud),”.

**Subtitle C—Amendments to Other Laws**

**SEC. 221. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.**

(a) **Combating Child Trafficking at the Border and Ports of Entry of the United States.**—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) the return of such child to the child’s country of nationality or of last habitual residence would not endanger the life or safety of such child.”.

(2) Section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)) is amended—

(A) by inserting “To the extent feasible, unaccompanied alien children should be housed and screened by an immigration officer with expertise in child welfare in separate child-friendly facilities conducive to disclosing information related to human trafficking or exploitation.” before “If the child does not meet such criteria”; and

(B) by adding at the end the following: “In the course of building or remodeling existing immigration facilities, consideration should be given to including separate child-friendly space
conducive to disclosing information relating to human trafficking or exploitation.”.

(3) Section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)) is amended by adding at the end the following:

“(E) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of the Trafficking Victims Protection Reauthorization Act of 2011, and annually thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and Secretary of State, shall report to Congress the following:

“(i) The number of alien children encountered by U.S. Customs and Border Protection.

“(ii) The number of alien children screened for severe forms of human trafficking.

“(iii) Whether the screening was conducted by an individual with expertise in child welfare.
“(iv) How many of these children were repatriated and how many were diverted into services.”.

(b) **Combating Child Trafficking and Exploitation in the United States.**—Section 235(b)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)(2)) is amended by striking “within 48 hours” and inserting “within 24 hours”.

(c) **Providing Safe and Secure Placements for Children.**—

(1) Section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by adding at the end the following: “The Secretary of Homeland Security shall either release, pursuant to the Secretary’s sole discretion, or place in the least restrictive setting an alien who—

“(A) has been placed under this paragraph as a child;

“(B) has demonstrated that he or she is not a danger to the community or a flight risk; and

“(C) has become ineligible, by reason of age, for placement as a child.”.
(2) Section 235(c)(3)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)(B)) is amended as follows:

(A) After “is first necessary.” insert the following: “If the sponsor is a parent, a home study shall be conducted where there are allegations of current or past abuse or neglect of the child by the parent or where, based on all available objective evidence, the parent clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child.”.

(B) Strike “A home study” and insert the following: “If the sponsor is anyone other than the parent, a home study”.

(C) Strike “shall conduct follow-up services” and all that follows through “for whom a home study was conducted” and insert the following: “shall provide at least 1 visit for follow-up services on all children not later than 45 days after placement,”.
SEC. 222. IMPROVING LOCAL EFFORTS TO COMBAT TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (32), by striking “and” at the end;

(2) in paragraph (33), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(34) not later than January 1, 2013, describes State child welfare existing practice and any future plans regarding prevention measures and victim assistance related to the human trafficking and commercial sexual exploitation of foreign, United States citizen and legal resident children including—

“(A) collaborations with local and State agencies and non-profit organizations to identify and care for children believed or confirmed to be, or at-risk of becoming victims of a severe form of human trafficking;

“(B) training for the child welfare employees who are likely to come into contact with child victims of human trafficking;
“(C) jurisdictional limits and other issues that hinder State child welfare response to aid child victims of human trafficking;

“(D) data collection regarding children identified by child welfare services as victims of trafficking and, if known, relationship to exploiter; and

“(E) prevention education to families and at-risk children, including runaway and homeless youth, regarding human trafficking and commercial sexual exploitation.”.

SEC. 223. EFFORTS TO PUBLICIZE THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE.

(a) Grantee Hotline Information.—The Attorney General shall consult with the Secretary of Health and Human Services to make reasonable efforts to distribute information to enable grantees under section 107(b) of the Trafficking Victims Protection Act of 2000 to publicize the National Human Trafficking Resource Center hotline on their Web sites, within the program’s headquarters as well as field offices across the United States.

(b) Hotline Information.—

(1) In general.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall make reasonable efforts to encourage
States to adopt legislation to raise public awareness of the National Human Trafficking Resource Center hotline in every mandated establishment where victims of human trafficking may possibly work or visit.

(2) Posting of model hotline information.—The legislation described in paragraph (1) should include a requirement that information relating to the National Human Trafficking Resource Center hotline be posted in accordance with the following specifications:

(A) Poster location.—The poster should be publicly displayed in a conspicuous place near the entrance of mandated establishments or where such posters and notices are customarily posted in such establishments.

(B) Poster specifications.—The poster should be no smaller than 8½ by 11 inches in size and state the following: "If you or someone you know is being forced to engage in any activity and cannot leave—whether it is commercial sex, housework, farm work, or any other activity—call the National Human Trafficking Resource Center Hotline at 1–888–373–7888 to access help and services. Victims of human traf-
ficking are protected under United States and
State law. The Hotline is: Available 24 hours a
day, 7 days a week. Toll-free. Operated by a
non-profit, nongovernmental organization.
Anonymous & Confidential. Accessible in 170
languages. Able to provide help, referral to serv-
ices, training, and general information.”.
(C) LANGUAGES.—The poster should be
printed in English, Spanish, and any other lan-
guages required by the Voting Rights Act in the
county in which the poster will be posted.
(D) NOTICE.—The licensing authority
should provide each mandated establishment
with notice of this section and with the required
poster upon licensing and should place the post-
er on its public Web site for mandated estab-
ishments to print as needed.
(3) DEFINITION OF MANDATED ESTABLISH-
MENT.—For purposes of this section, a “mandated
establishment” means—
(A) a massage parlor, spa, or other similar
establishment;
(B) an establishment that receives a liquor
license;
(C) a strip club or other sexually oriented business;
(D) a restaurant;
(E) an airport;
(F) a train station;
(G) a bus station;
(H) a highway truck stop;
(I) a highway rest stop;
(J) a hospital, HMO, or urgent care center;
(K) a farm;
(L) a high school; or
(M) a job recruitment center.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

(a) HUMAN SMUGGLING AND TRAFFICKING CENTER.—Section 112A(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(4)) is amended by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”.

(b) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 112B(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109b(d)) is amended by striking “for each of the fiscal years
2008 through 2011, such sums as may be necessary
to carry out this section” and inserting “$500,000
for each of the fiscal years 2012 and 2013”.

(2) Section 113 of the Trafficking Victims Pro-
tection Act of 2000 (22 U.S.C. 7110) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking “104,”; and

(II) by striking “fiscal years
2008 through 2011” and inserting
“fiscal years 2012 and 2013”; and

(ii) in the second sentence, by striking
“fiscal years 2008 through 2011” and in-
serting “fiscal years 2012 and 2013”;

(B) by striking subsection (b);

(C) in subsection (c)(1)—

(i) in subparagraph (A), by striking
“fiscal years 2008 through 2011” and in-
serting “fiscal years 2012 and 2013”;  

(ii) in subparagraph (B), by striking
“fiscal years 2008 through 2011” each

place it appears and inserting “fiscal years
2012 and 2013”; and
(iii) in subparagraph (C), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”;

(D) in subsection (d)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively;

(ii) in paragraph (1) (as redesignated), by striking “$10,000,000 for each of the fiscal years 2008 through 2011” and inserting “$22,500,000 for each of the fiscal years 2012 and 2013”;

(iii) in paragraph (2) (as redesignated), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and

(iv) in paragraph (3) (as redesignated), by striking “Attorney General” and all that follows and inserting “Attorney General $14,000,000 for each of the fiscal years 2012 and 2013.”;

(E) in subsection (e)—

(i) in paragraph (1), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”;

(ii) in paragraph (2) (as redesignated), by striking “Attorney General” and all that follows and inserting “Attorney General $22,500,000 for each of the fiscal years 2012 and 2013.”;
(ii) in paragraph (2), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and

(iii) in paragraph (3), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”;

(F) in subsection (f), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”;

(G) in subsection (h), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and

(H) in subsection (i), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”.


The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—

(1) in section 102(b)(7), by striking “$2,500,000 for each of the fiscal years 2008 through 2011” and inserting “$1,500,000 for each of the fiscal years 2012 and 2013”;
(2) in section 201(c) by striking “fiscal years 2008 through 2011” each place it appears and inserting “fiscal years 2012 and 2013”; 

(3) in section 202—

(A) in subsection (a), by striking “The Secretary of Health and Human Services” and inserting “The Attorney General”; 

(B) in subsection (b), by striking “the Secretary” and inserting “the Attorney General”; and 

(C) in subsection (d), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; 

(4) in section 203—

(A) by striking “the Secretary of Health and Human Services” each place it appears and inserting “the Attorney General”; and 

(B) by striking “$5,000,000 for each of the fiscal years 2008 through 2011” and inserting “$3,000,000 for each of the fiscal years 2012 and 2013”; and 

(5) in section 204(d), by striking “$20,000,000 for each of the fiscal years 2008 through 2011” and inserting “$10,000,000 for each of the fiscal years 2012 and 2013”.

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SEC. 303. ELIGIBILITY FOR ASSISTANCE.

(a) Prohibition Against Discrimination.—

(1) In general.—An organization, including a faith-based organization, that is otherwise eligible to receive assistance under any provision of law referenced in subsection (d) shall not be—

(A) required, as a condition of receiving such assistance, to endorse, utilize, provide, make a referral to, become integrated with, or otherwise participate in any program, project, or activity to which the organization has a religious or moral objection; or

(B) discriminated against in the solicitation or issuance of grants, contracts, cooperative agreements, or other Federal funding under any provision of law referenced in subsection (d) for refusing to meet any requirements described in subparagraph (A).

(2) Rule of construction.—Nothing in this subsection shall be construed to prohibit the Federal government from making alternative arrangements for any program, project, or activity to which an organization has a moral or religious objection, if such arrangements—

(A) do not violate the provisions of paragraph (1); and
(B) are not made for any program, project,
or activity for which Federal funding is other-
wise prohibited.

(b) Remedies.—

(1) In general.—The courts of the United
States shall have jurisdiction to prevent and redress
actual or threatened violations of this section by
issuing any form of legal or equitable relief, includ-
ing—

(A) injunctions prohibiting conduct that
violates this section; and

(B) orders preventing the disbursement of
all or a portion of Federal financial assistance
to a specific offending department, agency, or
program, project, or activity until such time as
the conduct prohibited by this section has
ceased.

(2) Commencement of action.—An action
under this section may be instituted by—

(A) any organization that has standing to
complain of an actual or threatened violation of
this section; or

(B) the Attorney General of the United
States.
(3) Relation to Administrative Remedies.—A party may commence or continue an action and obtain relief under this subsection without regard to whether a complaint under subsection (c) has been filed or is pending.

(c) Administration.—The President shall designate an official within each Federal department or agency that receives funding to carry out any provision of law referenced in subsection (d)—

(1) to receive complaints alleging a violation of this section; and

(2) to pursue the investigation of such complaints, in coordination with the Attorney General.

(d) Provisions of Law.—The provisions of law referenced in this subsection are the following:

(1) This Act or any amendment made by this Act.


SEC. 304. REPORTING REQUIREMENTS.

(a) Appropriations.—Not later than March 31 of 2012 and 2013, the President shall submit to Congress a report for the prior fiscal year that shall include—

(1) the amount of appropriations that each department or agency for which such appropriations were authorized under the Trafficking Victims Protection Act of 2000 or the Trafficking Victims Protection Reauthorization Act of 2005 directed to activities described in such Acts;

(2) a list of the activities funded through the appropriations identified in paragraph (1), including the responsible department or agency and the section of the Trafficking Victims Protection Act of 2000 or the Trafficking Victims Protection Reauthorization Act of 2005 that authorizes such activity; and

(3) the appropriations account from which each activity described in paragraph (2) was funded and the amount contributed from such account for each activity.

(b) Nondiscrimination.—

(1) Initial report.—Not later than 90 days after the enactment of this Act, the President shall submit to Congress a report indicating the official
designated in accordance with the requirement set forth in section 303(e).

(2) SUBSEQUENT REPORTS.—Not later than one year after the enactment of this Act, and every year thereafter for 4 years, the President shall submit to Congress a report indicating—

(A) any actions filed pursuant to section 303(b);

(B) any complaints filed pursuant to section 303(e)(1); and

(C) the status and results, if available, of any investigation undertaken pursuant to section 303(e)(2).