

112TH CONGRESS
1ST SESSION

S. 1301

To authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2011

Mr. LEAHY (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, Mrs. BOXER, Mr. CARDIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trafficking Victims Protection Reauthorization Act of
6 2011”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

- Sec. 101. Regional strategies for combating trafficking in persons.
- Sec. 102. Regional anti-trafficking officers.
- Sec. 103. Partnerships against significant trafficking in persons.
- Sec. 104. Protection and assistance for victims of trafficking.
- Sec. 105. Minimum standards for the elimination of trafficking.
- Sec. 106. Best practices in trafficking in persons eradication.
- Sec. 107. Protections for domestic workers and other nonimmigrants.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Penalties Against Traffickers and Other Crimes

- Sec. 201. Criminal offenses against traffickers.
- Sec. 202. Civil remedies; clarifying definition.

Subtitle B—Ensuring Availability of Possible Witnesses and Informants

- Sec. 211. Protections for trafficking victims who cooperate with law enforcement.
- Sec. 212. Protection against fraud in foreign labor contracting.
- Sec. 213. Protections for certain derivative beneficiaries of deceased trafficking or crime victims.
- Sec. 214. Consultation with the Attorney General on adjustment of status of certain trafficking victims.

Subtitle C—Ensuring Interagency Coordination and Expanded Reporting

- Sec. 221. Reporting requirements for the Attorney General.
- Sec. 222. Reporting requirements for the Secretary of Labor.
- Sec. 223. Information sharing to combat child labor and slave labor.
- Sec. 224. Government training efforts to include the Department of Labor.
- Sec. 225. GAO report on the use of foreign labor contractors.

Subtitle D—Enhancing State and Local Efforts to Combat Trafficking in Persons

- Sec. 231. Assistance for domestic minor sex trafficking victims.
- Sec. 232. Expanding local law enforcement grants for investigations and prosecutions of trafficking.
- Sec. 233. Model State criminal law protection for child trafficking victims and survivors.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Adjustment of authorization levels for the Trafficking Victims Protection Act of 2000.
- Sec. 302. Adjustment of authorization levels for the Trafficking Victims Protection Reauthorization Act of 2005.

TITLE IV—UNACCOMPANIED ALIEN CHILDREN

- Sec. 401. Protection for minors seeking asylum.

Sec. 402. Appropriate custodial settings for unaccompanied minors who reach the age of majority while in Federal custody.

Sec. 403. Appointment of child advocates for unaccompanied minors.

Sec. 404. Access to Federal foster care and unaccompanied refugee minor protections for certain U Visa recipients.

Sec. 405. GAO study of the effectiveness of border screenings.

1 **TITLE I—COMBATING INTER-**
 2 **NATIONAL TRAFFICKING IN**
 3 **PERSONS**

4 **SEC. 101. REGIONAL STRATEGIES FOR COMBATING TRAF-**
 5 **FICKING IN PERSONS.**

6 Section 105 of the Trafficking Victims Protection Act
 7 of 2000 (22 U.S.C. 7103) is amended—

8 (1) in subsection (d)(7)(J), by striking “section
 9 105(f) of this division” and inserting “subsection
 10 (g)”;

11 (2) in subsection (e)(2)—

12 (A) by striking “(2) COORDINATION OF
 13 CERTAIN ACTIVITIES.—” and all that follows
 14 through “exploitation.”;

15 (B) by redesignating subparagraph (B) as
 16 paragraph (2); and

17 (C) by redesignating clauses (i) and (ii) as
 18 subparagraphs (A) and (B), respectively;

19 (3) by redesignating subsection (f) as sub-
 20 section (g); and

21 (4) by inserting after subsection (e) the fol-
 22 lowing:

1 “(f) REGIONAL STRATEGIES FOR COMBATING TRAF-
 2 FICKING IN PERSONS.—Each regional bureau in the De-
 3 partment of State shall contribute to the realization of the
 4 anti-trafficking goals and objectives of the Secretary of
 5 State. By June 30 of each year, in cooperation with the
 6 Office to Monitor and Combat Trafficking, each regional
 7 bureau shall submit a list of anti-trafficking goals and ob-
 8 jectives for each country in its geographic area of responsi-
 9 bility. Host governments shall be informed of the goals
 10 and objectives for their particular country by June 30 and,
 11 to the extent possible, host government officials should
 12 contribute to the drafting of the goals and objectives.”.

13 **SEC. 102. REGIONAL ANTI-TRAFFICKING OFFICERS.**

14 Section 106 of the Trafficking Victims Protection Act
 15 of 2000 (22 U.S.C. 7104) is amended—

16 (1) by redesignating subsections (e), (f), (g),
 17 and (h) as subsections (f), (g), (h), and (i), respec-
 18 tively; and

19 (2) by inserting after subsection (d), the fol-
 20 lowing:

21 “(e) REGIONAL ANTI-TRAFFICKING IN PERSONS OF-
 22 FICERS.—Under the authority, direction, and control of
 23 the President, the Secretary of State, in accordance with
 24 the provisions of this Act, and in order to promote effec-
 25 tive bilateral and regional anti-trafficking diplomacy, pub-

1 lie diplomacy initiatives, and coordination of programs, is
2 authorized—

3 “(1) to appoint, at United States embassies,
4 anti-trafficking in persons officers, who shall collabo-
5 rate with other countries to eliminate human traf-
6 ficking; and

7 “(2) to use the officers appointed under para-
8 graph (1) for tasks such as—

9 “(A) expanding the anti-trafficking efforts
10 of the Office to Monitor and Combat Traf-
11 ficking in Persons of the Department of State;

12 “(B) monitoring trafficking trends in the
13 region;

14 “(C) assessing compliance with the provi-
15 sions of this Act; and

16 “(D) assisting and advising United States
17 embassies overseas on the preparation of the
18 annual Trafficking in Persons Report.”.

19 **SEC. 103. PARTNERSHIPS AGAINST SIGNIFICANT TRAF-**
20 **FICKING IN PERSONS.**

21 The Trafficking Victims Protection Act of 2000 is
22 amended—

23 (1) in section 105(e)(2) (22 U.S.C.
24 7103(e)(2))—

1 (A) by striking “(2) COORDINATION” and
2 all that follows through “ASSISTANCE” and in-
3 serting the following:

4 “(2) UNITED STATES ASSISTANCE.—”; and

5 (B) by redesignating clauses (i) and (ii) as
6 subparagraphs (A) and (B) and moving such
7 subparagraphs, as so redesignated, 2 ems to the
8 left;

9 (2) by inserting after section 105 (22 U.S.C.
10 7103) the following:

11 **“SEC. 105A. CREATING, BUILDING, AND STRENGTHENING**
12 **PARTNERSHIPS AGAINST SIGNIFICANT TRAF-**
13 **FICKING IN PERSONS.**

14 “(a) DECLARATION OF PURPOSE.—The purpose of
15 this section is to promote collaboration and cooperation—

16 “(1) between the United States Government
17 and governments listed on the annual Trafficking in
18 Persons Report;

19 “(2) between foreign governments and civil so-
20 ciety actors; and

21 “(3) between the United States Government
22 and private sector entities.

23 “(b) PARTNERSHIPS.—The Director, in coordination
24 and cooperation with other officials at the Department of
25 State involved in corporate responsibility and global part-

1 nerships, the Deputy Under Secretary for International
2 Affairs of the Department of Labor, and other relevant
3 officials of the United States Government, shall promote,
4 build, and sustain partnerships between the United States
5 Government and private entities, including foundations,
6 universities, corporations, community-based organizations,
7 and other nongovernmental organizations, to ensure
8 that—

9 “(1) United States citizens do not use any item,
10 product, or material produced or extracted with the
11 use and labor from victims of severe forms of traf-
12 ficking; and

13 “(2) such entities do not contribute to traf-
14 ficking in persons involving sexual exploitation.

15 “(c) ADDITIONAL MEASURES TO ENHANCE ANTI-
16 TRAFFICKING RESPONSE AND CAPACITY.—The President
17 shall establish and carry out programs with foreign gov-
18 ernments and civil society to enhance anti-trafficking re-
19 sponse and capacity, including—

20 “(1) technical assistance and other support to
21 improve the capacity of foreign governments to in-
22 vestigate, identify, and carry out inspections of pri-
23 vate entities, including labor recruitment centers, at
24 which trafficking victims may be exploited, particu-
25 larly exploitation involving forced and child labor;

1 “(2) technical assistance and other support for
2 foreign governments and nongovernmental organiza-
3 tions to provide immigrant populations with infor-
4 mation, in the native languages of the major immi-
5 grant groups of such populations, regarding the
6 rights of such populations in the foreign country and
7 local in-country nongovernmental organization-oper-
8 ated hotlines;

9 “(3) technical assistance to provide legal frame-
10 works and other programs to foreign governments
11 and nongovernmental organizations to ensure that—

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

15 “(B) labor recruitment firms are regulated;
16 and

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

20 “(4) assistance to foreign governments to reg-
21 ister vulnerable populations as citizens or nationals
22 of the country to reduce the ability of traffickers to
23 exploit such populations.

24 “(d) PROGRAM TO ADDRESS EMERGENCY SITUA-
25 TIONS.—The Secretary of State, acting through the Am-

1 bassador-at-Large of the Office to Monitor and Combat
2 Trafficking in Persons, is authorized to establish a fund
3 to assist foreign governments in meeting unexpected, ur-
4 gent needs in prevention of trafficking in persons, protec-
5 tion of victims, and prosecution of trafficking offenders.

6 “(e) CHILD PROTECTION COMPACTS.—

7 “(1) IN GENERAL.—The Secretary of State,
8 acting through the Ambassador-at-Large of the Of-
9 fice to Monitor and Combat Trafficking in Persons
10 and in consultation with the Bureau of Democracy,
11 Human Rights, and Labor, the Bureau of Inter-
12 national Labor Affairs of the Department of Labor,
13 the United States Agency for International Develop-
14 ment, and other relevant agencies, is authorized to
15 provide assistance under this section for each coun-
16 try that enters into a child protection compact with
17 the United States to support policies and programs
18 that—

19 “(A) prevent and respond to violence, ex-
20 ploitation, and abuse against children; and

21 “(B) measurably reduce severe forms of
22 trafficking in children by building sustainable
23 and effective systems of justice and protection.

24 “(2) ELEMENTS.—A child protection compact
25 under this subsection shall establish a multi-year

1 plan for achieving shared objectives in furtherance of
2 the purposes of this Act, and shall describe—

3 “(A) the specific objectives the foreign gov-
4 ernment and the United States Government ex-
5 pect to achieve during the term of the compact;

6 “(B) the responsibilities of the foreign gov-
7 ernment and the United States Government in
8 the achievement of such objectives;

9 “(C) the particular programs or initiatives
10 to be undertaken in the achievement of such ob-
11 jectives and the amount of funding to be allo-
12 cated to each program or initiative by both
13 countries;

14 “(D) regular outcome indicators to monitor
15 and measure progress toward achieving such
16 objectives; and

17 “(E) a multi-year financial plan, including
18 the estimated amount of contributions by the
19 United States Government and the foreign gov-
20 ernment, and proposed mechanisms to imple-
21 ment the plan and provide oversight.

22 “(3) FORM OF ASSISTANCE.—Assistance under
23 this subsection may be provided in the form of
24 grants, cooperative agreements, or contracts to or
25 with national governments, regional or local govern-

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

4 “(4) ELIGIBLE COUNTRIES.—The Secretary of
5 State, acting through the Office to Monitor and
6 Combat Trafficking in Persons, and in consultation
7 with the agencies set forth in paragraph (1) and rel-
8 evant officers of the Department of Justice, shall se-
9 lect countries with which to enter into child protec-
10 tion compacts. The selection of countries under this
11 paragraph shall be based on—

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

14 “(B) objective, documented, and quantifi-
15 able indicators, to the maximum extent possible.

16 “(5) SELECTION CRITERIA.—A country shall be
17 selected under paragraph (4) on the basis of—

18 “(A) a documented high prevalence of traf-
19 ficking in persons within the country; and

20 “(B) demonstrated political will and sus-
21 tained commitment by the government of such
22 country to undertake meaningful measures to
23 address severe forms of trafficking in persons,
24 including protection of victims and the enact-

1 ment and enforcement of anti-trafficking laws
2 against perpetrators.

3 “(6) SUSPENSION AND TERMINATION OF AS-
4 SISTANCE.—

5 “(A) IN GENERAL.—The Secretary may
6 suspend or terminate assistance provided under
7 this subsection in whole or in part for a country
8 or entity if the Secretary determines that—

9 “(i) the country or entity is engaged
10 in activities that are contrary to the na-
11 tional security interests of the United
12 States;

13 “(ii) the country or entity has en-
14 gaged in a pattern of actions inconsistent
15 with the criteria used to determine the eli-
16 gibility of the country or entity, as the case
17 may be; or

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

21 “(B) REINSTATEMENT.—The Secretary
22 may reinstate assistance for a country or entity
23 suspended or terminated under this paragraph
24 only if the Secretary determines that the coun-
25 try or entity has demonstrated a commitment

1 to correcting each condition for which assist-
2 ance was suspended or terminated under sub-
3 paragraph (A).”.

4 **SEC. 104. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
5 **TRAFFICKING.**

6 (a) **TASK FORCE ACTIVITIES.**—Section 105(d)(6) of
7 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
8 7103(d)(6)) is amended by inserting “, and make reason-
9 able efforts to distribute information to enable all Federal
10 Government agencies to publicize the National Human
11 Trafficking Resource Center Hotline on their websites, in
12 all headquarters offices, and in all field offices throughout
13 the United States” before the period at the end.

14 (b) **CONGRESSIONAL BRIEFING.**—Section 107(a)(2)
15 of the Trafficking Victims Protection Act of 2000 (22
16 U.S.C. 7105(a)(2)) is amended by inserting “and shall
17 brief Congress annually on such efforts” before the period
18 at the end.

19 **SEC. 105. MINIMUM STANDARDS FOR THE ELIMINATION OF**
20 **TRAFFICKING.**

21 Section 108(b) of the Trafficking Victims Protection
22 Act of 2000 (22 U.S.C. 7106(b)) is amended—

23 (1) in paragraph (3)—

24 (A) by striking “peacekeeping” and insert-
25 ing “diplomatic, peacekeeping,”;

1 (B) by striking “, and measures” and in-
2 serting “, a transparent system for remediating
3 or punishing such public officials as a deter-
4 rent, measures”; and

5 (C) by inserting “, effective bilateral, mul-
6 tilateral, or regional information sharing and
7 cooperation arrangements with source, transit,
8 or destination countries in its trafficking route,
9 and effective policies or laws regulating foreign
10 labor recruiters and holding them civilly and
11 criminally liable for fraudulent recruiting” be-
12 fore the period at the end;

13 (2) in paragraph (4), by inserting “and has en-
14 tered into bilateral, multilateral, or regional law en-
15 forcement cooperation and coordination arrange-
16 ments with source, transit, and destination countries
17 in its trafficking route” before the period at the end;

18 (3) in paragraph (7)—

19 (A) by inserting “, including diplomats and
20 soldiers,” after “public officials”;

21 (B) by striking “peacekeeping” and insert-
22 ing “diplomatic, peacekeeping,”; and

23 (C) by inserting “A government’s failure to
24 remediate public allegations against such public
25 officials, especially once such officials have re-

1 turned to their home countries, shall be consid-
2 ered inaction under these criteria.” after “such
3 trafficking.”;

4 (4) by redesignating paragraphs (9) through
5 (11) as paragraphs (10) through (12), respectively;
6 and

7 (5) by inserting after paragraph (8) the fol-
8 lowing:

9 “(9) Whether the government has entered into
10 transparent partnerships, cooperative arrangements,
11 or agreements with—

12 “(A) domestic civil society organizations or
13 the private sector to assist the government’s ef-
14 forts to prevent trafficking, protect victims, and
15 punish traffickers; or

16 “(B) the United States toward agreed
17 goals and objectives in the collective fight
18 against trafficking.”.

19 **SEC. 106. BEST PRACTICES IN TRAFFICKING IN PERSONS**
20 **ERADICATION.**

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

23 (1) in paragraph (1)—

24 (A) by striking “with respect to the status
25 of severe forms of trafficking in persons that

1 shall include—” and inserting “describing the
2 anti-trafficking efforts of the United States and
3 foreign governments according to the minimum
4 standards and criteria enumerated in section
5 108, and the nature and scope of trafficking in
6 persons in each country and analysis of the
7 trend lines for individual governmental efforts.
8 The report shall include—”;

9 (B) in subparagraph (B), by striking
10 “compliance;” and inserting “compliance, in-
11 cluding the identification and mention of gov-
12 ernments that—

13 “(A) are on such list and have dem-
14 onstrated exemplary progress in their efforts to
15 reach the minimum standards; or

16 “(B) have entered into an agreement with
17 the Secretary to accomplish certain actions be-
18 fore the subsequent year’s annual report in an
19 attempt to reach full compliance with the min-
20 imum standards;”;

21 (C) in subparagraph (E), by striking “;
22 and”; and inserting a semicolon;

23 (D) in subparagraph (F), by striking the
24 period at the end and inserting “; and”; and

25 (E) by inserting at the end the following:

1 “(G) a section entitled ‘Exemplary Govern-
2 ments and Practices in the Eradication of Traf-
3 ficking in Persons’ to highlight—

4 “(i) effective practices and use of in-
5 novation and technology in prevention, pro-
6 tection, prosecution, and partnerships, in-
7 cluding by foreign governments, the private
8 sector, and domestic civil society actors;
9 and

10 “(ii) governments that have shown ex-
11 emplary overall efforts to combat traf-
12 ficking in persons.”;

13 (2) by striking paragraph (2); and

14 (3) in paragraph (3), by adding at the end the
15 following:

16 “(E) PUBLIC NOTICE.—Not later than 30
17 days after notifying Congress of each country
18 determined to have met the requirements under
19 subclauses (I) through (III) of subparagraph
20 (A)(iii), the Secretary of State shall provide a
21 detailed description of the credible evidence
22 supporting such determination on a publicly
23 available website maintained by the Department
24 of State.”.

1 **SEC. 107. PROTECTIONS FOR DOMESTIC WORKERS AND**
2 **OTHER NONIMMIGRANTS.**

3 Section 202 of the William Wilberforce Trafficking
4 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
5 1375b) is amended—

6 (1) in subsection (a)—

7 (A) in the subsection heading, by inserting
8 “AND VIDEO FOR CONSULAR WAITING ROOMS”
9 after “INFORMATION PAMPHLET”; and

10 (B) in paragraph (1)—

11 (i) by inserting “and video” after “in-
12 formation pamphlet”; and

13 (ii) by adding at the end the fol-
14 lowing: “The video shall be distributed and
15 shown in consular waiting rooms in embas-
16 sies and consulates determined to have the
17 greatest concentration of employment or
18 education-based non-immigrant visa appli-
19 cants, and where sufficient video facilities
20 exist in waiting or other rooms where ap-
21 plicants wait or convene. The Secretary of
22 State is authorized to augment video facili-
23 ties in such consulates or embassies in
24 order to fulfill the purposes of this sec-
25 tion.”;

1 (2) in subsection (b), by inserting “and video”
2 after “information pamphlet”;

3 (3) in subsection (c)—

4 (A) in paragraph (1), by inserting “and
5 produce or dub the video” after “information
6 pamphlet”; and

7 (B) in paragraph (2), by inserting “and
8 the video produced or dubbed” after “trans-
9 lated”; and

10 (4) in subsection (d)—

11 (A) in paragraph (1), by inserting “and
12 video” after “information pamphlet”;

13 (B) in paragraph (2), by inserting “and
14 video” after “information pamphlet”; and

15 (C) by adding at the end the following:

16 “(4) DEADLINE FOR VIDEO DEVELOPMENT AND
17 DISTRIBUTION.—Not later than 1 year after the
18 date of the enactment of the Trafficking Victims
19 Protection Reauthorization Act of 2011, the Sec-
20 retary of State shall make available the video devel-
21 oped under subsection (a) produced or dubbed in all
22 the languages referred to in subsection (c).”.

1 **TITLE II—COMBATING TRAF-**
 2 **FICKING IN PERSONS IN THE**
 3 **UNITED STATES**

4 **Subtitle A—Penalties Against**
 5 **Traffickers and Other Crimes**

6 **SEC. 201. CRIMINAL OFFENSES AGAINST TRAFFICKERS.**

7 (a) RICO AMENDMENT.—Section 1961(1)(B) of title
 8 18, United States Code, is amended by inserting “section
 9 1351 (relating to fraud in foreign labor contracting),” be-
 10 fore “section 1425”.

11 (b) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOR-
 12 EIGN PLACES.—Section 2423(e) of title 18, United States
 13 Code, is amended by inserting “or resides, either tempo-
 14 rarily or permanently, in a foreign country” after “com-
 15 merce”.

16 (c) UNLAWFUL CONDUCT WITH RESPECT TO DOCU-
 17 MENTS.—

18 (1) IN GENERAL.—Chapter 77 of title 18,
 19 United States Code, is amended by adding at the
 20 end the following:

21 **“§ 1597. Unlawful conduct with respect to immigra-**
 22 **tion documents**

23 **“(a) DESTRUCTION, CONCEALMENT, REMOVAL, CON-**
 24 **FISCATION, OR POSSESSION OF IMMIGRATION DOCU-**
 25 **MENTS.—It shall be unlawful for any person to knowingly**

1 destroy, or, for a period of more than 48 hours, conceal,
2 remove, confiscate, or possess, an actual or purported
3 passport or other immigration document of another indi-
4 vidual—

5 “(1) in the course of a violation of section 1351
6 of this title or section 274 of the Immigration and
7 Nationality Act (8 U.S.C. 1324);

8 “(2) with intent to violate section 1351 of this
9 title or section 274 of the Immigration and Nation-
10 ality Act (8 U.S.C. 1324); or

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

14 “(b) PENALTY.—Any person who violates subsection
15 (a) shall be fined under this title, imprisoned for not more
16 than 1 year, or both.

17 “(c) OBSTRUCTION.—Any person who obstructs, at-
18 tempts to obstruct, or in any way interferes with or pre-
19 vents the enforcement of this section, shall be subject to
20 the penalties described in subsection (b).”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENT.—The table of sections for chapter 77 of title
23 18, United States Code, is amended by adding at
24 the end the following:

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

1 **SEC. 202. CIVIL REMEDIES; CLARIFYING DEFINITION.**

2 (a) CIVIL REMEDY FOR PERSONAL INJURIES.—Sec-
3 tion 2255 of title 18, United States Code, is amended—

4 (1) in subsection (a), by striking “section
5 2241(c)” and inserting “section 1589, 1590, 1591,
6 2241(c)”; and

7 (2) in subsection (b), by striking “six years”
8 and inserting “10 years”.

9 (b) DEFINITION.—

10 (1) IN GENERAL.—Section 103 of the Traf-
11 ficking Victims Protection Act of 2000 (22 U.S.C.
12 7102) is amended—

13 (A) by redesignating paragraphs (1)
14 through (14) as paragraphs (2) through (15),
15 respectively;

16 (B) by inserting before paragraph (2), as
17 redesignated, the following:

18 “(1) ABUSE OR THREATENED ABUSE OF LAW
19 OR LEGAL PROCESS.—The term ‘abuse or threatened
20 abuse of the legal process’ means the use or threat-
21 ened use of a law or legal process, whether adminis-
22 trative, civil, or criminal, in any manner or for any
23 purpose for which the law was not designed, in order
24 to exert pressure on another person to cause that
25 person to take some action or refrain from taking
26 some action.”;

1 (C) in paragraph (14), as redesignated, by
2 striking “paragraph (8)” and inserting “para-
3 graph (9)”; and

4 (D) in paragraph (15), as redesignated, by
5 striking “paragraph (8) or (9)” and inserting
6 “paragraph (9) or (10)”.

7 (2) TECHNICAL AND CONFORMING AMEND-
8 MENTS.—

9 (A) TRAFFICKING VICTIMS PROTECTION
10 ACT OF 2000.—The Trafficking Victims Protec-
11 tion Act of 2000 (22 U.S.C. 7101 et seq.) is
12 amended—

13 (i) in section 110(e) (22 U.S.C.
14 7107(e))—

15 (I) by striking “section
16 103(7)(A)” and inserting “section
17 103(8)(A)”; and

18 (II) by striking “section
19 103(7)(B)” and inserting “section
20 103(8)(B)”; and

21 (ii) in section 113(g)(2) (22 U.S.C.
22 7110(g)(2)), by striking “section
23 103(8)(A)” and inserting “section
24 103(9)(A)”.

1 (B) NORTH KOREAN HUMAN RIGHTS ACT
2 OF 2004.—Section 203(b)(2) of the North Ko-
3 rean Human Rights Act of 2004 (22 U.S.C.
4 7833(b)(2)) is amended by striking “section
5 103(14)” and inserting “section 103(15)”.

6 (C) TRAFFICKING VICTIMS PROTECTION
7 REAUTHORIZATION ACT OF 2005.—Section 207
8 of the Trafficking Victims Protection Reauthor-
9 ization Act of 2005 (42 U.S.C. 14044e) is
10 amended—

11 (i) in paragraph (1), by striking “sec-
12 tion 103(8)” and inserting “section
13 103(9)”;

14 (ii) in paragraph (2), by striking “sec-
15 tion 103(9)” and inserting “section
16 103(10)”;

17 (iii) in paragraph (3), by striking
18 “section 103(3)” and inserting “section
19 103(4)”.

20 (D) VIOLENCE AGAINST WOMEN AND DE-
21 PARTMENT OF JUSTICE REAUTHORIZATION ACT
22 OF 2005.—Section 111(a)(1) of the Violence
23 Against Women and Department of Justice Re-
24 authorization Act of 2005 (42 U.S.C.

1 14044f(a)(1)) is amended by striking “para-
2 graph (8)” and inserting “paragraph (9)”.

3 **Subtitle B—Ensuring Availability**
4 **of Possible Witnesses and In-**
5 **formants**

6 **SEC. 211. PROTECTIONS FOR TRAFFICKING VICTIMS WHO**
7 **COOPERATE WITH LAW ENFORCEMENT.**

8 Section 101(a)(15)(T) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

10 (1) in clause (i)—

11 (A) in subclause (II)—

12 (i) by inserting “(aa)” after (II); and

13 (ii) by adding at the end the fol-
14 lowing: “or

15 “(bb) had been in the United States
16 on account of such trafficking, which took
17 place during the most recent 5-year period,
18 and fled from the United States—

19 “(AA) to escape a serious threat
20 based on that trafficking; or

21 “(BB) to protect the life or safe-
22 ty of an individual described in clause
23 (ii) from a threat posed by the traf-
24 fickers or their associates;”;

1 (B) in subclause (III)(bb), by inserting “,
2 including a reasonable fear of retaliation posed
3 by the traffickers or their associates against an
4 individual described in clause (ii)” after “trau-
5 ma”; and

6 (C) in subclause (IV), by inserting “or by
7 remaining in, or returning to, the alien’s coun-
8 try of origin, if the alien had previously fled the
9 United States under the conditions described in
10 subclause (II)(bb)” after “removal”; and

11 (2) in clause (ii)(III), by inserting “, or any
12 adult or minor children of a derivative beneficiary of
13 the alien, as” after “age”.

14 **SEC. 212. PROTECTION AGAINST FRAUD IN FOREIGN**
15 **LABOR CONTRACTING.**

16 Section 101(a)(15)(U)(iii) of the Immigration and
17 Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended
18 by inserting “fraud in foreign labor contracting (as de-
19 fined in section 1351 of title 18, United States Code);”
20 after “perjury;”.

21 **SEC. 213. PROTECTIONS FOR CERTAIN DERIVATIVE BENE-**
22 **FICIARIES OF DECEASED TRAFFICKING OR**
23 **CRIME VICTIMS.**

24 Section 204(l)(2) of the Immigration and Nationality
25 Act (8 U.S.C. 1154(l)(2)) is amended—

1 (1) by redesignating subparagraph (F) as sub-
2 paragraph (H); and

3 (2) by striking subparagraph (E) and inserting
4 the following:

5 “(E) a derivative beneficiary of an alien
6 admitted in ‘T’ nonimmigrant status (as de-
7 scribed in section 101(a)(15)(T)(ii));

8 “(F) a derivative beneficiary of an alien
9 admitted in ‘U’ nonimmigrant status (as de-
10 scribed in section 101(a)(15)(U)(ii));

11 “(G) a derivative beneficiary of an alien
12 who was a VAWA self-petitioner; or”.

13 **SEC. 214. CONSULTATION WITH THE ATTORNEY GENERAL**
14 **ON ADJUSTMENT OF STATUS OF CERTAIN**
15 **TRAFFICKING VICTIMS.**

16 Section 245(l)(1) of the Immigration and Nationality
17 Act (8 U.S.C. 1255(l)(1)) is amended, in the matter pre-
18 ceding subparagraph (A), by inserting a comma after “ap-
19 propriate”.

1 **Subtitle C—Ensuring Interagency**
2 **Coordination and Expanded Re-**
3 **porting**

4 **SEC. 221. REPORTING REQUIREMENTS FOR THE ATTORNEY**

5 **GENERAL.**

6 Section 105(d)(7) of the Trafficking Victims Protec-
7 tion Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

8 (1) by redesignating subparagraphs (D)
9 through (J) as subparagraphs (F) through (L);

10 (2) by striking subparagraph (C) and inserting
11 the following:

12 “(C) the number of persons who have ap-
13 plied for, been granted, or been denied a visa or
14 otherwise provided status under subparagraph
15 (T)(i) or (U)(i) of section 101(a)(15) of the Im-
16 migration and Nationality Act (8 U.S.C.
17 1101(a)(15)) during the preceding fiscal year;

18 “(D) the mean and median time in which
19 it takes to adjudicate applications submitted
20 under the provisions of law set forth in sub-
21 paragraph (C), including the time between the
22 receipt of an application and the issuance of a
23 visa and work authorization;

24 “(E) any efforts being taken to reduce the
25 adjudication and processing time, while ensur-

1 ing the safe and competent processing of the
2 applications;”;

3 (3) in subparagraph (I)(iii), by striking “and”
4 at the end;

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

7 (5) by adding at the end the following:

8 “(K) the activities undertaken by Federal
9 agencies to train appropriate State, tribal, and
10 local government and law enforcement officials
11 to identify victims of severe forms of traf-
12 ficking, including both sex and labor traf-
13 ficking;

14 “(L) the activities undertaken by Federal
15 agencies in cooperation with State, tribal, and
16 local law enforcement officials to identify, inves-
17 tigate, and prosecute offenses under sections
18 1581, 1583, 1584, 1589, 1590, 1592, and 1594
19 of title 18, United States Code, or equivalent
20 State offenses, including, in each fiscal year—

21 “(i) the number, age, gender, country
22 of origin, and citizenship status of victims
23 identified for each offense;

1 “(ii) the number of individuals
2 charged, and the number of individuals
3 convicted, under each offense;

4 “(iii) the number of individuals re-
5 ferred for prosecution for State offenses,
6 including offenses relating to the pur-
7 chasing of commercial sex acts;

8 “(iv) the number of victims granted
9 continued presence in the United States
10 under section 107(c)(3); and

11 “(v) the number of victims granted a
12 visa or otherwise provided status under
13 subparagraph (T)(i) or (U)(i) of section
14 101(a)(15) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1101(a)(15)); and

16 “(M) the activities undertaken by the De-
17 partment of Justice and the Department of
18 Health and Human Services to meet the spe-
19 cific needs of minor victims of domestic traf-
20 ficking, including actions taken pursuant to
21 subsection (f) and section 202(a) of the Traf-
22 ficking Victims Protection Reauthorization Act
23 of 2005 (42 U.S.C. 14044(a)), and the steps
24 taken to increase cooperation among Federal

1 agencies to ensure the effective and efficient use
2 of programs for which the victims are eligible.”.

3 **SEC. 222. REPORTING REQUIREMENTS FOR THE SEC-**
4 **RETARY OF LABOR.**

5 Section 105(b) of the Trafficking Victims Protection
6 Act of 2005 (22 U.S.C. 7112(b)) is amended by adding
7 at the end the following:

8 “(3) SUBMISSION TO CONGRESS.—Not later
9 than December 1, 2012, and every 2 years there-
10 after, the Secretary of Labor shall submit the list
11 developed under paragraph (2)(C) to Congress.”.

12 **SEC. 223. INFORMATION SHARING TO COMBAT CHILD**
13 **LABOR AND SLAVE LABOR.**

14 Section 105(a) of the Trafficking Victims Protection
15 Act of 2005 (22 U.S.C. 7112(a)) is amended by adding
16 at the end the following:

17 “(3) INFORMATION SHARING.—The Secretary
18 of State shall, on a regular basis, provide informa-
19 tion relating to child labor and forced labor in the
20 production of goods in violation of international
21 standards to the Department of Labor to be used in
22 developing the list described in subsection
23 (b)(2)(C).”.

1 **SEC. 224. GOVERNMENT TRAINING EFFORTS TO INCLUDE**
2 **THE DEPARTMENT OF LABOR.**

3 Section 107(c)(4) of the Trafficking Victims Protec-
4 tion Act of 2000 (22 U.S.C. 7105(c)(4)) is amended—

5 (1) in the first sentence, by inserting “the De-
6 partment of Labor, the Equal Employment Oppor-
7 tunity Commission,” before “and the Department”;
8 and

9 (2) in the second sentence, by inserting “, in
10 consultation with the Secretary of Labor,” before
11 “shall provide”.

12 **SEC. 225. GAO REPORT ON THE USE OF FOREIGN LABOR**
13 **CONTRACTORS.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of the enactment of this Act, the Comptroller General
16 of the United States shall submit a report on the use of
17 foreign labor contractors to—

18 (1) the Committee on the Judiciary of the Sen-
19 ate;

20 (2) the Committee on Health, Education,
21 Labor, and Pensions of the Senate;

22 (3) the Committee on the Judiciary of the
23 House of Representatives; and

24 (4) the Committee on Education and the Work-
25 force of the House of Representatives.

1 (b) CONTENTS.—The report under subsection (a)
2 should, to the extent possible—

3 (1) address the role and practices of United
4 States employers in—

5 (A) the use of labor recruiters or brokers;

6 or

7 (B) directly recruiting foreign workers;

8 (2) analyze the laws that protect such workers,
9 both overseas and domestically;

10 (3) describe the oversight and enforcement
11 mechanisms in Federal departments and agencies
12 for such laws; and

13 (4) identify any gaps that may exist in these
14 protections; and

15 (5) recommend possible actions for Federal de-
16 partments and agencies to combat any abuses.

17 (c) REQUIREMENTS.—The report under subsection
18 (a) shall—

19 (1) describe the role of labor recruiters or bro-
20 kers working in countries that are sending workers
21 and receiving funds, including any identified involve-
22 ment in labor abuses;

23 (2) describe the role and practices of employers
24 in the United States that commission labor recruit-
25 ers or brokers or directly recruit foreign workers;

1 (3) describe the role of Federal departments
2 and agencies in overseeing and regulating the for-
3 eign labor recruitment process, including certifying
4 and enforcing under existing regulations; and

5 (4) based on the information required under
6 paragraphs (1) through (3), identify any common
7 abuses of foreign workers and the employment sys-
8 tem, including the use of fees and debts, and rec-
9 ommendations of actions that could be taken by
10 Federal departments and agencies to combat any
11 identified abuses.

12 **Subtitle D—Enhancing State and**
13 **Local Efforts to Combat Traf-**
14 **ficking in Persons**

15 **SEC. 231. ASSISTANCE FOR DOMESTIC MINOR SEX TRAF-**
16 **FICKING VICTIMS.**

17 (a) IN GENERAL.—Section 202 of the Trafficking
18 Victims Protection Reauthorization Act of 2005 (42
19 U.S.C. 14044a) is amended to read as follows:

20 **“SEC. 202. ESTABLISHMENT OF A GRANT PROGRAM TO DE-**
21 **VELOP, EXPAND, AND STRENGTHEN ASSIST-**
22 **ANCE PROGRAMS FOR CERTAIN PERSONS**
23 **SUBJECT TO TRAFFICKING.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ASSISTANT SECRETARY.—The term ‘As-
2 sistant Secretary’ means the Assistant Secretary for
3 Children and Families of the Department of Health
4 and Human Services.

5 “(2) ASSISTANT ATTORNEY GENERAL.—The
6 term ‘Assistant Attorney General’ means the Assist-
7 ant Attorney General for the Office of Justice Pro-
8 grams of the Department of Justice.

9 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means a State or unit of local government
11 that—

12 “(A) has significant criminal activity in-
13 volving sex trafficking of minors;

14 “(B) has demonstrated cooperation be-
15 tween Federal, State, local, and, where applica-
16 ble, tribal law enforcement agencies, prosecu-
17 tors, and social service providers in addressing
18 sex trafficking of minors;

19 “(C) has developed a workable, multi-dis-
20 ciplinary plan to combat sex trafficking of mi-
21 nors, including—

22 “(i) building or establishing a residen-
23 tial care facility for minor victims of sex
24 trafficking, through;

1 “(ii) the provision of rehabilitative
2 care to minor victims of sex trafficking;

3 “(iii) the provision of specialized
4 training for law enforcement officers and
5 social service providers for all forms of sex
6 trafficking, with a focus on sex trafficking
7 of minors;

8 “(iv) prevention, deterrence, and pros-
9 ecution of offenses involving sex trafficking
10 of minors;

11 “(v) cooperation or referral agree-
12 ments with organizations providing out-
13 reach or other related services to runaway
14 and homeless youth; and

15 “(vi) law enforcement protocols or
16 procedures to screen all individuals ar-
17 rested for prostitution, whether adult or
18 minor, for victimization by sex trafficking
19 and by other crimes, such as sexual assault
20 and domestic violence; and

21 “(D) provides assurance that a minor vic-
22 tim of sex trafficking shall not be required to
23 collaborate with law enforcement to have access
24 to residential care or services provided with a
25 grant under this section.

1 “(4) MINOR VICTIM OF SEX TRAFFICKING.—
2 The term ‘minor victim of sex trafficking’ means an
3 individual who—

4 “(A) is younger than 18 years of age, and
5 is a victim of an offense described in section
6 1591(a) of title 18, United States Code, or a
7 comparable State law; or

8 “(B)(i) is not younger than 18 years of
9 age nor older than 20 years of age;

10 “(ii) on the day before the individual
11 reached 18 years of age, was described in sub-
12 paragraph (A); and

13 “(iii) was receiving shelter or services as a
14 minor victim of sex trafficking.

15 “(5) QUALIFIED NONGOVERNMENTAL ORGANI-
16 ZATION.—The term ‘qualified nongovernmental or-
17 ganization’ means an organization that—

18 “(A) is not a State or unit of local govern-
19 ment, or an agency of a State or unit of local
20 government;

21 “(B) has demonstrated experience pro-
22 viding services to victims of sex trafficking or
23 related populations (such as runaway and
24 homeless youth), or employs staff specialized in
25 the treatment of sex trafficking victims; and

1 “(C) demonstrates a plan to sustain the
2 provision of services beyond the period of a
3 grant awarded under this section.

4 “(6) SEX TRAFFICKING OF A MINOR.—The
5 term ‘sex trafficking of a minor’ means an offense
6 (described in section 1591(a) of title 18, United
7 States Code), against a minor.

8 “(b) SEX TRAFFICKING BLOCK GRANTS.—

9 “(1) GRANTS AUTHORIZED.—

10 “(A) IN GENERAL.—The Assistant Attor-
11 ney General, in consultation with the Assistant
12 Secretary, may make block grants to 4 eligible
13 entities located in different regions of the
14 United States to combat sex trafficking of mi-
15 nors.

16 “(B) REQUIREMENT.—Not fewer than 1 of
17 the block grants made under subparagraph (A)
18 shall be awarded to an eligible entity with a
19 State population of less than 5,000,000.

20 “(C) GRANT AMOUNT.—Subject to the
21 availability of appropriations under subsection
22 (g) to carry out this section, each grant made
23 under this section shall be for an amount not
24 less than \$1,500,000 and not greater than
25 \$2,000,000.

1 “(D) DURATION.—

2 “(i) IN GENERAL.—A grant made
3 under this section shall be for a period of
4 1 year.

5 “(ii) RENEWAL.—

6 “(I) IN GENERAL.—The Assist-
7 ant Attorney General may renew a
8 grant under this section for up to 3 1-
9 year periods.

10 “(II) PRIORITY.—In making
11 grants in any fiscal year after the
12 first fiscal year in which grants are
13 made under this section, the Assistant
14 Attorney General shall give priority to
15 an eligible entity that received a grant
16 in the preceding fiscal year and is eli-
17 gible for renewal under this subpara-
18 graph, taking into account any evalua-
19 tion of the eligible entity conducted
20 under paragraph (4), if available.

21 “(E) CONSULTATION.—In carrying out
22 this section, the Assistant Attorney General
23 shall consult with the Assistant Secretary with
24 respect to—

1 “(i) evaluations of grant recipients
2 under paragraph (4);

3 “(ii) avoiding unintentional duplica-
4 tion of grants; and

5 “(iii) any other areas of shared con-
6 cern.

7 “(2) USE OF FUNDS.—

8 “(A) ALLOCATION.—Not less than 67 per-
9 cent of each grant made under paragraph (1)
10 shall be used by the eligible entity to provide
11 residential care and services (as described in
12 clauses (i) through (iv) of subparagraph (B)) to
13 minor victims of sex trafficking through quali-
14 fied nongovernmental organizations.

15 “(B) AUTHORIZED ACTIVITIES.—Grants
16 awarded pursuant to paragraph (2) may be
17 used for—

18 “(i) providing residential care to
19 minor victims of sex trafficking, including
20 temporary or long-term placement as ap-
21 propriate;

22 “(ii) providing 24-hour emergency so-
23 cial services response for minor victims of
24 sex trafficking;

1 “(iii) providing minor victims of sex
2 trafficking with clothing and other daily
3 necessities needed to keep such victims
4 from returning to living on the street;

5 “(iv) case management services for
6 minor victims of sex trafficking;

7 “(v) mental health counseling for
8 minor victims of sex trafficking, including
9 specialized counseling and substance abuse
10 treatment;

11 “(vi) legal services for minor victims
12 of sex trafficking;

13 “(vii) specialized training for social
14 service providers, public sector personnel,
15 and private sector personnel likely to en-
16 counter sex trafficking victims on issues
17 related to the sex trafficking of minors and
18 severe forms of trafficking in persons;

19 “(viii) outreach and education pro-
20 grams to provide information about deter-
21 rence and prevention of sex trafficking of
22 minors;

23 “(ix) programs to provide treatment
24 to individuals charged or cited with pur-

1 chasing or attempting to purchase sex acts
2 in cases where—

3 “(I) a treatment program can be
4 mandated as a condition of a sen-
5 tence, fine, suspended sentence, or
6 probation, or is an appropriate alter-
7 native to criminal prosecution; and

8 “(II) the individual was not
9 charged with purchasing or attempt-
10 ing to purchase sex acts with a minor;
11 and

12 “(x) screening and referral of minor
13 victims of severe forms of trafficking in
14 persons.

15 “(3) APPLICATION.—

16 “(A) IN GENERAL.—Each eligible entity
17 desiring a grant under this section shall submit
18 an application to the Assistant Attorney Gen-
19 eral at such time, in such manner, and accom-
20 panied by such information as the Assistant At-
21 torney General may reasonably require.

22 “(B) CONTENTS.—Each application sub-
23 mitted pursuant to subparagraph (A) shall—

24 “(i) describe the activities for which
25 assistance under this section is sought; and

1 “(ii) provide such additional assur-
2 ances as the Assistant Attorney General
3 determines to be essential to ensure com-
4 pliance with the requirements of this sec-
5 tion.

6 “(4) EVALUATION.—The Assistant Attorney
7 General shall enter into a contract with an academic
8 or non-profit organization that has experience in
9 issues related to sex trafficking of minors and eval-
10 uation of grant programs to conduct an annual eval-
11 uation of each grant made under this section to de-
12 termine the impact and effectiveness of programs
13 funded with the grant.

14 “(c) MANDATORY EXCLUSION.—An eligible entity
15 that receives a grant under this section that is found to
16 have utilized grant funds for any unauthorized expendi-
17 ture or otherwise unallowable cost shall not be eligible for
18 any grant funds awarded under the grant for 2 fiscal years
19 following the year in which the unauthorized expenditure
20 or unallowable cost is reported.

21 “(d) COMPLIANCE REQUIREMENT.—An eligible enti-
22 ty shall not be eligible to receive a grant under this section
23 if, during the 5 fiscal years before the eligible entity sub-
24 mits an application for the grant, the eligible entity has
25 been found to have violated the terms or conditions of a

1 Government grant program by utilizing grant funds for
2 unauthorized expenditures or otherwise unallowable costs.

3 “(e) ADMINISTRATIVE CAP.—The cost of admin-
4 istering the grants authorized by this section shall not ex-
5 ceed 3 percent of the total amount appropriated to carry
6 out this section.

7 “(f) AUDIT REQUIREMENT.—For fiscal years 2014
8 and 2015, the Inspector General of the Department of
9 Health and Human Services shall conduct an audit of all
10 4 eligible entities that receive block grants under this sec-
11 tion.

12 “(g) MATCH REQUIREMENT.—An eligible entity that
13 receives a grant under this section shall provide a non-
14 Federal match in an amount equal to not less than—

15 “(1) 15 percent of the grant during the first
16 year;

17 “(2) 25 percent of the grant during the first re-
18 newal period;

19 “(3) 40 percent of the grant during the second
20 renewal period; and

21 “(4) 50 percent of the grant during the third
22 renewal period.

23 “(h) NO LIMITATION ON SECTION 204 GRANTS.—An
24 entity that applies for a grant under section 204 is not

1 prohibited from also applying for a grant under this sec-
2 tion.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$8,000,000 to the At-
5 torney General for each of the fiscal years 2012 through
6 2015 to carry out this section.

7 “(j) GAO EVALUATION.—Not later than 30 months
8 after the date of the enactment of this Act, the Comp-
9 troller General of the United States shall submit a report
10 to Congress that contains—

11 “(1) an evaluation of the impact of this section
12 in aiding minor victims of sex trafficking in the ju-
13 risdiction of the entity receiving the grant; and

14 “(2) recommendations, if any, regarding any
15 legislative or administrative action the Comptroller
16 General determines appropriate.”.

17 (b) SUNSET PROVISION.—The amendment made by
18 subsection (a) shall be effective during the 4-year period
19 beginning on the date of the enactment of this Act.

20 **SEC. 232. EXPANDING LOCAL LAW ENFORCEMENT GRANTS**
21 **FOR INVESTIGATIONS AND PROSECUTIONS**
22 **OF TRAFFICKING.**

23 Section 204 of the Trafficking Victims Protection Re-
24 authorization Act of 2005 (42 U.S.C. 14044c) is amend-
25 ed—

1 (1) in subsection (a)(1)—

2 (A) in subparagraph (A), by striking “,
3 which involve United States citizens, or aliens
4 admitted for permanent residence, and”;

5 (B) by redesignating subparagraphs (B),
6 (C), and (D) as subparagraphs (C), (D), and
7 (E), respectively; and

8 (C) by inserting after subparagraph (A)
9 the following:

10 “(B) to train law enforcement personnel
11 how to identify victims of severe forms of traf-
12 ficking in persons and related offenses;” and

13 (D) in subparagraph (C), as redesignated,
14 by inserting “and prioritize the investigations
15 and prosecutions of those cases involving minor
16 victims” after “sex acts”;

17 (2) by redesignating subsection (d) as sub-
18 section (e);

19 (3) by inserting after subsection (c) the fol-
20 lowing:

21 “(d) NO LIMITATION ON SECTION 202 GRANT AP-
22 PPLICATIONS.—An entity that applies for a grant under
23 section 202 is not prohibited from also applying for a
24 grant under this section.”;

1 (4) in subsection (e), as redesignated, by strik-
2 ing “\$20,000,000 for each of the fiscal years 2008
3 through 2011” and inserting “\$10,000,000 for each
4 of the fiscal years 2012 through 2015”; and

5 (5) by adding at the end the following:

6 “(f) GAO EVALUATION AND REPORT.—Not later
7 than 30 months after the date of enactment of this Act,
8 the Comptroller General of the United States shall con-
9 duct a study of and submit to Congress a report evalu-
10 ating the impact of this section on—

11 “(1) the ability of law enforcement personnel to
12 identify victims of severe forms of trafficking in per-
13 sons and investigate and prosecute cases against of-
14 fenders, including offenders who engage in the pur-
15 chasing of commercial sex acts with a minor; and

16 “(2) recommendations, if any, regarding any
17 legislative or administrative action the Comptroller
18 General determines appropriate to improve the abil-
19 ity described in paragraph (1).”.

20 **SEC. 233. MODEL STATE CRIMINAL LAW PROTECTION FOR**
21 **CHILD TRAFFICKING VICTIMS AND SUR-**
22 **VIVORS.**

23 Section 225(b) of the Trafficking Victims Reauthor-
24 ization Act of 2008 (22 U.S.C. 7101 note) is amended—

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

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) protects children exploited through pros-
8 titution by including safe harbor provisions that—

9 “(A) treat an individual under 18 years of
10 age who has been arrested for engaging in, or
11 attempting to engage in, a sexual act with an-
12 other person in exchange for monetary com-
13 pensation as a victim of a severe form of traf-
14 ficking in persons;

15 “(B) prohibit the charging or prosecution
16 of an individual described in subparagraph (A)
17 for a prostitution offense;

18 “(C) require the referral of an individual
19 described in subparagraph (A) to appropriate
20 service providers, including comprehensive serv-
21 ice or community-based programs that provide
22 assistance to child victims of commercial sexual
23 exploitation; and

24 “(D) provide that an individual described
25 in subparagraph (A) shall not be required to

1 prove fraud, force, or coercion in order to re-
2 ceive the protections described under this para-
3 graph;”.

4 **TITLE III—AUTHORIZATION OF**
5 **APPROPRIATIONS**

6 **SEC. 301. ADJUSTMENT OF AUTHORIZATION LEVELS FOR**
7 **THE TRAFFICKING VICTIMS PROTECTION**
8 **ACT OF 2000.**

9 The Trafficking Victims Protection Act of 2000 (22
10 U.S.C. 7101 et seq.) is amended—

11 (1) in section 112A(b)(4) (22 U.S.C.
12 7109a(b)(4)), by striking “2008 through 2011” and
13 inserting “2012 through 2015”;

14 (2) in section 112B(d) (22 U.S.C. 7109b(d)),
15 by striking “2008 through 2011” and inserting
16 “2012 through 2015”; and

17 (3) in section 113 (22 U.S.C. 7110)—

18 (A) subsection (a)—

19 (i) by striking “2008 through 2011”
20 each place it appears and inserting “2012
21 through 2015”; and

22 (ii) by inserting “, including regional
23 trafficking in persons officers,” after “for
24 additional personnel”;

25 (B) in subsection (b)—

1 (i) in paragraph (1), by striking
2 “\$12,500,000 for each of the fiscal years
3 2008 through 2011” and inserting
4 “\$14,500,000 for each of the fiscal years
5 2012 through 2015”; and

6 (ii) in paragraph (2), by striking “to
7 the Secretary of Health and Human Serv-
8 ices” and all that follows and inserting
9 “\$7,000,000 to the Secretary of Health
10 and Human Services for each of the fiscal
11 years 2012 through 2015.”;

12 (C) in subsection (c)(1)—

13 (i) in subparagraph (A), by striking
14 “2008 through 2011” each place it ap-
15 pears and inserting “2012 through 2015”;

16 (ii) in subparagraph (B)—

17 (I) by striking “\$15,000,000 for
18 fiscal year 2003 and \$10,000,000 for
19 each of the fiscal years 2008 through
20 2011” and inserting “\$10,000,000 for
21 each of the fiscal years 2012 through
22 2015”; and

23 (II) by striking “2008 through
24 2011” and inserting “2012 through
25 2015”; and

1 (iii) in subparagraph (C), by striking
2 “2008 through 2011” and inserting “2012
3 through 2015”;

4 (D) in subsection (d)—

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

8 (ii) in the paragraph (1), as redesign-
9 nated, by striking “\$10,000,000 for each
10 of the fiscal years 2008 through 2011”
11 and inserting “\$12,000,000 for each of the
12 fiscal years 2012 through 2015”;

13 (iii) in paragraph (2), as redesignated,
14 by striking “2008 through 2011” and in-
15 sserting “2012 through 2015”; and

16 (iv) in paragraph (3), as redesignated,
17 by striking “to the Attorney General” and
18 all that follows and inserting “\$7,000,000
19 to the Attorney General for each of the fis-
20 cal years 2012 through 2015.”;

21 (E) in subsection (e), by striking “2008
22 through 2011” each place it appears and insert-
23 ing “2012 through 2015”;

1 (F) in subsection (f), by striking “2008
2 through 2011” and inserting “2012 through
3 2015”;

4 (G) in subsection (h), by striking “2008
5 through 2011” and inserting “2012 through
6 2015”; and

7 (H) in subsection (i), by striking “2008
8 through 2011” and inserting “2012 through
9 2015”.

10 **SEC. 302. ADJUSTMENT OF AUTHORIZATION LEVELS FOR**
11 **THE TRAFFICKING VICTIMS PROTECTION RE-**
12 **AUTHORIZATION ACT OF 2005.**

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

15 (1) by striking section 102(b)(7); and

16 (2) in section 201(c), by striking “2008
17 through 2011” each place it appears and inserting
18 “2012 through 2015”.

19 **TITLE IV—UNACCOMPANIED**
20 **ALIEN CHILDREN**

21 **SEC. 401. PROTECTION FOR MINORS SEEKING ASYLUM.**

22 (a) IN GENERAL.—Section 208 of the Immigration
23 and Nationality Act (8 U.S.C. 1158) is amended—

24 (1) in subsection (a)(2), by amending subpara-
25 graph (E) to read as follows:

1 “(E) APPLICABILITY TO MINORS.—Sub-
2 paragraphs (A), (B), and (C) shall not apply to
3 an applicant who is younger than 18 years of
4 age on the earlier of—

5 “(i) the date on which the asylum ap-
6 plication is filed; or

7 “(ii) the date on which any Notice to
8 Appear is issued.”; and

9 (2) in subsection (b)(3)(C), by striking “an un-
10 accompanied alien child” and all that follows and in-
11 sserting the following: “an applicant who is younger
12 than 18 years of age on the earlier of—

13 “(i) the date on which the asylum ap-
14 plication is filed; or

15 “(ii) the date on which any Notice to
16 Appear is issued.”.

17 (b) REINSTATEMENT OF REMOVAL.—Section 241(a)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1231(a)) is amended—

20 (1) in paragraph (5), by striking “If the Attor-
21 ney General” and inserting “Except as provided in
22 paragraph (8), if the Secretary of Homeland Secu-
23 rity”; and

24 (2) by adding at the end the following:

1 “(8) APPLICABILITY OF REINSTATEMENT OF
2 REMOVAL.—Paragraph (5) shall not apply to an
3 alien who has reentered the United States illegally
4 after having been removed or having departed volun-
5 tarily, under an order of removal, if the alien was
6 younger than 18 years of age on the date on which
7 the alien was removed or departed voluntarily under
8 an order of removal.”.

9 **SEC. 402. APPROPRIATE CUSTODIAL SETTINGS FOR UNAC-**
10 **COMPANIED MINORS WHO REACH THE AGE**
11 **OF MAJORITY WHILE IN FEDERAL CUSTODY.**

12 Section 235(c)(2) of the William Wilberforce Traf-
13 ficking Victims Protection Reauthorization Act of 2008 (8
14 U.S.C. 1232(c)(2)) is amended—

15 (1) by striking “Subject to” and inserting the
16 following:

17 “(A) MINORS IN DEPARTMENT OF HEALTH
18 AND HUMAN SERVICES CUSTODY.—Subject to”;

19 and

20 (2) by adding at the end the following:

21 “(B) ALIENS TRANSFERRED FROM DE-
22 PARTMENT OF HEALTH AND HUMAN SERVICES
23 TO DEPARTMENT OF HOMELAND SECURITY
24 CUSTODY.—If a minor described in subpara-
25 graph (A) reaches 18 years of age and is trans-

1 ferred to the custody of the Secretary of Home-
 2 land Security, the Secretary shall consider
 3 placement in the least restrictive setting avail-
 4 able after taking into account the alien’s danger
 5 to self, danger to the community, and risk of
 6 flight. Such aliens shall be eligible to participate
 7 in alternative to detention programs, utilizing a
 8 continuum of alternatives based on the alien’s
 9 need for supervision, which may include place-
 10 ment of the alien with an individual or an orga-
 11 nizational sponsor, or in a supervised group
 12 home.”.

13 **SEC. 403. APPOINTMENT OF CHILD ADVOCATES FOR UNAC-**
 14 **COMPANIED MINORS.**

15 Section 235(c)(6) of the William Wilberforce Traf-
 16 ficking Victims Protection Reauthorization Act of 2008 (8
 17 U.S.C. 1232(c)(6)) is amended—

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

20 “(A) IN GENERAL.—The Secretary”; and

21 (2) by adding at the end the following:

22 “(B) APPOINTMENT OF CHILD ADVO-
 23 CATES.—

24 “(i) INITIAL SITES.—Not later than 2
 25 years after the date of the enactment of

1 the Trafficking Victims Protection Reau-
2 thorization Act of 2011, the Secretary of
3 Health and Human Services shall establish
4 child advocate programs at 3 new immigra-
5 tion detention sites to provide independent
6 child advocates for trafficking victims and
7 vulnerable unaccompanied alien children.

8 “(ii) ADDITIONAL SITES.—Not later
9 than 3 years after the date of the enact-
10 ment of the Trafficking Victims Protection
11 Reauthorization Act of 2011, the Secretary
12 shall establish and implement child advo-
13 cate programs at immigration detention
14 sites at which more than 50 children are
15 held in immigration custody.

16 “(iii) SELECTION OF SITES.—Sites at
17 which child advocate programs will be es-
18 tablished under this subparagraph shall be
19 selected sequentially, with priority given to
20 locations with—

21 “(I) the largest number of unac-
22 companied alien children; and

23 “(II) the most vulnerable popu-
24 lations of unaccompanied children.

1 “(C) ANNUAL REPORT TO CONGRESS.—
2 Not later than 1 year after the date of the en-
3 actment of the Trafficking Victims Protection
4 Reauthorization Act of 2011, and annually
5 thereafter, the Secretary of Health and Human
6 Services shall submit a report describing the ac-
7 tivities undertaken by the Secretary to author-
8 ize the appointment of independent Child Advo-
9 cates for trafficking victims and vulnerable un-
10 accompanied alien children to the Committee on
11 the Judiciary of the Senate and the Committee
12 on the Judiciary of the House of Representa-
13 tives.

14 “(D) ASSESSMENT OF CHILD ADVOCATE
15 PROGRAM.—

16 “(i) IN GENERAL.—As soon as prac-
17 ticable after the date of the enactment of
18 the Trafficking Victims Protection Reau-
19 thorization Act of 2011, the Comptroller
20 General of the United States shall conduct
21 a study regarding the effectiveness of the
22 Child Advocate Program operated by the
23 Secretary of Health and Human Services.

24 “(ii) MATTERS TO BE STUDIED.—In
25 the study required under clause (i), the

1 Comptroller General shall collect informa-
2 tion and analyze the following:

3 “(I) analyze the effectiveness of
4 existing child advocate programs in
5 improving outcomes for trafficking
6 victims and other vulnerable unaccom-
7 panied alien children;

8 “(II) evaluate the implementation
9 of child advocate programs in new
10 sites pursuant to subparagraph (B);

11 “(III) evaluate the funds avail-
12 able to the Secretary of Health and
13 Human Services and project the addi-
14 tional funds that would be needed to
15 fully implement effective child advo-
16 cate programs for all trafficking vic-
17 tims and other vulnerable unaccom-
18 panied children;

19 “(IV) evaluate the barriers to im-
20 proving outcomes for trafficking vic-
21 tims and other vulnerable unaccom-
22 panied children; and

23 “(V) make recommendations on
24 statutory changes to improve the
25 Child Advocate Program in relation to

1 the matters analyzed under subclauses
2 (I) through (IV).

3 “(iii) GAO REPORT.—Not later than
4 3 years after the date of the enactment of
5 this Act, the Comptroller General of the
6 United States shall submit the results of
7 the study required under this subpara-
8 graph to—

9 “(I) the Committee on the Judi-
10 ciary of the Senate;

11 “(II) the Committee on Health,
12 Education, Labor, and Pensions of
13 the Senate;

14 “(III) the Committee on the Ju-
15 diciary of the House of Representa-
16 tives; and

17 “(IV) the Committee on Edu-
18 cation and the Workforce of the
19 House of Representatives.

20 “(E) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There are authorized to be appro-
22 priated to the Secretary and Human Services to
23 carry out this subsection—

24 “(i) \$1,000,000 for each of the fiscal
25 years 2012 and 2013; and

1 “(ii) \$2,000,000 for each of the fiscal
2 years 2014 and 2015.”.

3 **SEC. 404. ACCESS TO FEDERAL FOSTER CARE AND UNAC-**
4 **COMPANIED REFUGEE MINOR PROTECTIONS**
5 **FOR CERTAIN U VISA RECIPIENTS.**

6 Section 235(d)(4) of the William Wilberforce Traf-
7 ficking Victims Protection Reauthorization Act of 2008 (8
8 U.S.C. 1232(d)(4)) is amended—

9 (1) in subparagraph (A),

10 (A) by striking “either”;

11 (B) by striking “or who” and inserting a
12 comma; and

13 (C) by inserting “, or has been granted
14 status under section 101(a)(15)(U) of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1101(a)(15)(U)),” before “, shall be eligible”;
17 and

18 (2) in subparagraph (B), by inserting “, or sta-
19 tus under section 101(a)(15)(U) of the Immigration
20 and Nationality Act (8 U.S.C. 1101(a)(15)(U)),”
21 after “(8 U.S.C. 1101(a)(27)(J))”.

22 **SEC. 405. GAO STUDY OF THE EFFECTIVENESS OF BORDER**
23 **SCREENINGS.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct a study examining
3 the effectiveness of screenings conducted by Depart-
4 ment of Homeland Security personnel in carrying
5 out section 235(a)(4) of the William Wilberforce
6 Trafficking Victims Protection Reauthorization Act
7 of 2008 (8 U.S.C. 1232(a)(4)).

8 (2) STUDY.—In carrying out paragraph (1), the
9 Comptroller General shall take into account the de-
10 gree to which Department of Homeland Security
11 personnel are adequately ensuring that—

12 (A) all children are being screened to de-
13 termine whether they are described in section
14 235(a)(2)(A) of the William Wilberforce Traf-
15 ficking Victims Protection Reauthorization Act;

16 (B) appropriate and reliable determina-
17 tions are being made about whether children
18 are described in section 235(a)(2)(A) of such
19 Act;

20 (C) children are repatriated in an appro-
21 priate manner, consistent with clauses (i)
22 through (iii) of section 235(a)(2)(C) of such
23 Act;

24 (D) children are appropriately being per-
25 mitted to withdraw their applications for admis-

1 sion, in accordance with section 235(a)(2)(B)(i)
2 of such Act;

3 (E) children are being properly cared for
4 while they are in the custody of the Department
5 of Homeland Security and awaiting repatriation
6 or transfer to the custody of the Secretary of
7 Health and Human Services; and

8 (F) children are being transferred to the
9 custody of the Secretary of Health and Human
10 Services in a manner that is consistent with
11 such Act.

12 (3) ACCESS TO DEPARTMENT OF HOMELAND
13 SECURITY OPERATIONS.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), for the purposes of con-
16 ducting the study described in subsection (a),
17 the Secretary shall provide the Comptroller
18 General with unrestricted access to all stages of
19 screenings and other interactions between De-
20 partment of Homeland Security personnel and
21 children encountered by the Comptroller Gen-
22 eral.

23 (B) EXCEPTIONS.—The Secretary shall
24 not permit unrestricted access under subpara-
25 graph (A) if the Secretary determines that the

1 security of a particular interaction would be
2 threatened by such access.

3 (b) REPORT TO CONGRESS.—Not later than 2 years
4 after the date of the commencement of the study described
5 in subsection (a), the Comptroller General of the United
6 States shall submit a report to the Committee on the Judi-
7 ciary of the Senate and the Committee on the Judiciary
8 of the House of Representatives that contains the Com-
9 mission’s findings and recommendations.

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