Calendar No. 193

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, Mr. WYDEN, Mrs. FEINSTEIN, Mr. RUBIO, Mr. COCHRAN, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. SCHUMER, Mr. BROWN of Ohio, Mr. BURR, Mr. COONS, Mr. AKAKA, Mr. UDALL of Colorado, Ms. MIKULSKI, Mr. HELDER, Mr. ISAKSON, Ms. KLOBUCHAR, Mrs. HAGAN, Mr. NELSON of Florida, Ms. STABENOW, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 13, 2011

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

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TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. REGIONAL STRATEGIES FOR COMBATING TRAFFICKING IN PERSONS.

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

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

(2) in subsection (e)(2)—

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

(B) by redesignating subparagraph (B) as paragraph (2); and
(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

"(f) REGIONAL STRATEGIES FOR COMBATING TRAFFICKING IN PERSONS.—Each regional bureau in the Department of State shall contribute to the realization of the anti-trafficking goals and objectives of the Secretary of State. By June 30 of each year, in cooperation with the Office to Monitor and Combat Trafficking, each regional bureau shall submit a list of anti-trafficking goals and objectives for each country in its geographic area of responsibility. Host governments shall be informed of the goals and objectives for their particular country by June 30 and, to the extent possible, host government officials should contribute to the drafting of the goals and objectives.”.

SEC. 102. REGIONAL ANTI-TRAFFICKING OFFICERS.

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

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and
by inserting after subsection (d), the following:

```
(c) REGIONAL ANTI-TRAFFICKING IN PERSONS OFFICERS.—Under the authority, direction, and control of the President, the Secretary of State, in accordance with the provisions of this Act, and in order to promote effective bilateral and regional anti-trafficking diplomacy, public diplomacy initiatives, and coordination of programs, is authorized—

(1) to appoint, at United States embassies, anti-trafficking in persons officers, who shall collaborate with other countries to eliminate human trafficking; and

(2) to use the officers appointed under paragraph (1) for tasks such as—

(A) expanding the anti-trafficking efforts of the Office to Monitor and Combat Trafficking in Persons of the Department of State;

(B) monitoring trafficking trends in the region;

(C) assessing compliance with the provisions of this Act; and

(D) assisting and advising United States embassies overseas on the preparation of the annual Trafficking in Persons Report.”.
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SEC. 103. PARTNERSHIPS AGAINST SIGNIFICANT TRAFFICKING IN PERSONS.

The Trafficking Victims Protection Act of 2000 is amended—

(1) in section 105(c)(2) (22 U.S.C. 7103(c)(2))—

(A) by striking ""(2) COORDINATION"" and all that follows through ""ASSISTANCE"" and inserting the following:

""(2) UNITED STATES ASSISTANCE."

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and moving such subparagraphs, as so redesignated, 2 cms to the left;

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

""SEC. 105A. CREATING, BUILDING, AND STRENGTHENING PARTNERSHIPS AGAINST SIGNIFICANT TRAFFICKING IN PERSONS.

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

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

""(2) between foreign governments and civil society actors; and

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(b) PARTNERSHIPS.—The Director, in coordination and cooperation with other officials at the Department of State involved in corporate responsibility and global partnerships, the Deputy Under Secretary for International Affairs of the Department of Labor, and other relevant officials of the United States Government, shall promote, build, and sustain partnerships between the United States Government and private entities, including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations, to ensure that—

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

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

(c) ADDITIONAL MEASURES TO ENHANCE ANTI-TRAFFICKING RESPONSE AND CAPACITY.—The President shall establish and carry out programs with foreign governments and civil society to enhance anti-trafficking response and capacity, including—
(1) technical assistance and other support to improve the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

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

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

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

(B) labor recruitment firms are regulated; and

(C) workers providing domestic services in households are provided protection under labor rights laws; and
"(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.

"(d) Program To Address Emergency Situations.—The Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons, is authorized to establish a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking in persons; protection of victims; and prosecution of trafficking offenders.

"(e) Child Protection Compacts.—

"(1) In General.—The Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons and in consultation with the Bureau of Democracy, Human Rights, and Labor; the Bureau of International Labor Affairs of the Department of Labor; the United States Agency for International Development; and other relevant agencies, is authorized to provide assistance under this section for each country that enters into a child protection compact with the United States to support policies and programs that—
(A) prevent and respond to violence, exploitation, and abuse against children; and 

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

(2) ELEMENTS.—A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this Act, and shall describe—

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

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

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

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

(E) a multi-year financial plan, including the estimated amount of contributions by the
United States Government and the foreign govern-
ment, and proposed mechanisms to imple-
ment the plan and provide oversight.

(3) FORM OF ASSISTANCE.—Assistance under
this subsection may be provided in the form of
grants, cooperative agreements, or contracts to or
with national governments, regional or local govern-
mental units, or non-governmental organizations or
private entities with expertise in the protection of
victims of severe forms of trafficking in persons.

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

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

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

(5) SELECTION CRITERIA.—A country shall be
selected under paragraph (4) on the basis of—
(A) a documented high prevalence of trafficking in persons within the country; and

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

(6) Suspension and termination of assistance.

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

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

(ii) the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or
"(iii) the country or entity has failed to adhere to its responsibilities under the Compact.

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

SEC. 104. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) Task Force Activities.—Section 105(d)(6) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(6)) is amended by inserting ";, and make reasonable efforts to distribute information to enable all Federal Government agencies to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States" before the period at the end.

(b) Congressional Briefing.—Section 107(a)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)(2)) is amended by inserting "and shall
brief Congress annually on such efforts" before the period at the end.

SEC. 105. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

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

(1) in paragraph (3)—

(A) by striking "peacekeeping" and inserting "diplomatic, peacekeeping;"

(B) by striking "; and measures" and inserting "; a transparent system for remediating or punishing such public officials as a deterrent; measures"; and

(C) by inserting "; effective bilateral, multilateral, or regional information sharing and cooperation arrangements with source, transit, or destination countries in its trafficking route, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting" before the period at the end;

(2) in paragraph (4), by inserting "and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrange-
ments with source, transit, and destination countries
in its trafficking route’’ before the period at the end;
(3) in paragraph (7)—
   (A) by inserting ‘‘; including diplomats and
soldiers,’’ after ‘‘public officials’’;
   (B) by striking ‘‘peacekeeping’’ and insert-
ing ‘‘diplomatic; peacekeeping,’’; and
   (C) by inserting ‘‘A government’s failure to
remediate public allegations against such public
officials; especially once such officials have re-
turned to their home countries, shall be consid-
ered inaction under these criteria.’’ after ‘‘such
trafficking.’’;
(4) by redesignating paragraphs (9) through
(11) as paragraphs (10) through (12), respectively;
and
(5) by inserting after paragraph (8) the fol-
lowing:
‘‘(9) Whether the government has entered into
transparent partnerships, cooperative arrangements,
or agreements with—
   ‘‘(A) domestic civil society organizations or
the private sector to assist the government’s ef-
forts to prevent trafficking, protect victims, and
punish traffickers; or
“(B) the United States toward agreed goals and objectives in the collective fight against trafficking.”

SEC. 106. BEST PRACTICES IN TRAFFICKING IN PERSONS ERADICATION.

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

(1) in paragraph (1)—

(A) by striking “with respect to the status of severe forms of trafficking in persons that shall include—” and inserting “describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 108, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report shall include—”;

(B) in subparagraph (B), by striking “compliance,” and inserting “compliance, including the identification and mention of governments that—

“(A) are on such list and have demonstrated exemplary progress in their efforts to reach the minimum standards; or
(B) have entered into an agreement with the Secretary to accomplish certain actions before the subsequent year's annual report in an attempt to reach full compliance with the minimum standards;"

(C) in subparagraph (E), by striking ";" and ";" and inserting a semicolon;

(D) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(E) by inserting at the end the following:

"(G) a section entitled "Exemplary Governments and Practices in the Eradication of Trafficking in Persons" to highlight—

"(i) effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and

"(ii) governments that have shown exemplary overall efforts to combat trafficking in persons.";

(2) by striking paragraph (2); and

(3) in paragraph (3), by adding at the end the following:
“(E) Public notice.—Not later than 30 days after notifying Congress of each country determined to have met the requirements under subclauses (I) through (III) of subparagraph (A)(iii), the Secretary of State shall provide a detailed description of the credible evidence supporting such determination on a publicly available website maintained by the Department of State.”

SEC. 107. PROTECTIONS FOR DOMESTIC WORKERS AND OTHER NONIMMIGRANTS.

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

(1) in subsection (a)—

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

(B) in paragraph (1)—

(i) by inserting “and video” after “information pamphlet”; and

(ii) by adding at the end the following: “The video shall be distributed and shown in consular waiting rooms in embassies and consulates determined to have the
greatest concentration of employment or
education-based non-immigrant visa appli-
cants, and where sufficient video facilities
exist in waiting or other rooms where ap-
plicants wait or convene. The Secretary of
State is authorized to augment video facili-
ties in such consulates or embassies in
order to fulfill the purposes of this sec-
tion.

(2) in subsection (b), by inserting "and video"
after "information pamphlet";

(3) in subsection (c)—

(A) in paragraph (1), by inserting "and
produce or dub the video" after "information
pamphlet"; and

(B) in paragraph (2), by inserting "and
the video produced or dubbed" after "translated"; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting "and
video" after "information pamphlet";

(B) in paragraph (2), by inserting "and
video" after "information pamphlet"; and

(C) by adding at the end the following:
“(4) Deadline for video development and distribution.—Not later than 1 year after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary of State shall make available the video developed under subsection (a) produced or dubbed in all the languages referred to in subsection (c).”

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Penalties Against Traffickers and Other Crimes

SEC. 201. CRIMINAL OFFENSES AGAINST TRAFFICKERS.

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

(b) ENGAGING IN ILLECIT SEXUAL CONDUCT IN FOREIGN PLACES.—Section 2423(c) of title 18, United States Code, is amended by inserting “or resides, either temporarily or permanently, in a foreign country” after “commerce”.

(c) UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS.—
(1) 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 or other immigration 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.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.
“(c) Obstruction.—Any person who 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).”:

(2) Technical and Conforming Amendment.—The table of sections for 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. 202. CIVIL REMEDIES; CLARIFYING DEFINITION.

(a) Civil Remedy for Personal Injuries.—Section 2255 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “section 2241(e)” and inserting “section 1589, 1590, 1591, 2241(e)”;

and

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

(b) Definition.—

(1) In General.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

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

and

(B) by inserting before paragraph (2), as redesignated, the following:
“(1) Abuse or threatened abuse of law
or legal process.—The term ‘abuse or threatened
abuse of the legal process’ means the use or threat-
ened use of a law or legal process, whether adminis-
trative, civil, or criminal, in any manner or for any
purpose for which the law was not designed, in order
to exert pressure on another person to cause that
person to take some action or refrain from taking
some action.”;

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

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

(2) Technical and conforming amend-
ments.—

(A) Trafficking victims protection
act of 2000.—The Trafficking Victims Protec-
tion Act of 2000 (22 U.S.C. 7101 et seq.) is
amended—

(i) in section 110(e) (22 U.S.C.
7107(e))—
by striking "section 103(7)(A)" and inserting "section 103(8)(A)"; and

(II) by striking "section 103(7)(B)" and inserting "section 103(8)(B)"; and

(ii) in section 113(g)(2) (22 U.S.C. 7110(g)(2)), by striking "section 103(8)(A)" and inserting "section 103(9)(A)".

(B) NORTH KOREAN HUMAN RIGHTS ACT OF 2004.—Section 203(b)(2) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833(b)(2)) is amended by striking "section 103(14)" and inserting "section 103(15)".

(C) TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.—Section 207 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044e) is amended—

(i) in paragraph (1), by striking "section 103(8)" and inserting "section 103(9)";
(ii) in paragraph (2), by striking “section 103(9)” and inserting “section 103(10)”; and

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

(D) VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005.—Section 111(a)(1) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14044f(a)(1)) is amended by striking “paragraph (8)” and inserting “paragraph (9)”.

Subtitle B—Ensuring Availability of Possible Witnesses and Informants

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

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

(1) in clause (i)—

(A) in subclause (II)—

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

(ii) by adding at the end the following: “or
“(bb) had been in the United States on account of such trafficking, which took place during the most recent 5-year period, and fled from the United States—

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

“(BB) to protect the life or safety of an individual described in clause (ii) from a threat posed by the traffickers or their associates;”;

(B) in subclause (III)(bb), by inserting “,

including a reasonable fear of retaliation posed by the traffickers or their associates against an individual described in clause (ii)” after “trauma”; and

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

(2) in clause (ii)(III), by inserting “, or any adult or minor children of a derivative beneficiary of the alien, as” after “age”.
SEC. 212. PROTECTION AGAINST FRAUD IN FOREIGN LABOR CONTRACTING.

Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended by inserting "fraud in foreign labor contracting (as defined in section 1351 of title 18, United States Code);" after "perjury;".

SEC. 213. PROTECTIONS FOR CERTAIN DERIVATIVE BENEFICIARIES OF DECEASED TRAFFICKING OR CRIME VICTIMS.

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

(1) by redesignating subparagraph (F) as subparagraph (H); and

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

"(E) a derivative beneficiary of an alien admitted in 'T' nonimmigrant status (as described in section 101(a)(15)(T)(ii));"

"(F) a derivative beneficiary of an alien admitted in 'U' nonimmigrant status (as described in section 101(a)(15)(U)(ii));"

"(G) a derivative beneficiary of an alien who was a VAWA self-petitioner; or".
SEC. 214. CONSULTATION WITH THE ATTORNEY GENERAL ON ADJUSTMENT OF STATUS OF CERTAIN TRAFFICKING VICTIMS.

Section 245(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(l)(1)) is amended, in the matter preceding subparagraph (A), by inserting a comma after "appropriate".

Subtitle C—Ensuring Interagency Coordination and Expanded Reporting

SEC. 221. REPORTING REQUIREMENTS FOR THE ATTORNEY GENERAL.

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

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

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

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

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

“(E) any efforts being taken to reduce the
adjudication and processing time, while ensur-
ing the safe and competent processing of the
applications;”;

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

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

(5) by adding at the end the following:

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

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

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

"(ii) the number of individuals charged, and the number of individuals convicted, under each offense;

"(iii) the number of individuals referred for prosecution for State offenses, including offenses relating to the purchasing of commercial sex acts;

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

"(v) the number of victims granted a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

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

SEC. 222. REPORTING REQUIREMENTS FOR THE SECRETARY OF LABOR.

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

“(3) Submission to Congress.—Not later than December 1, 2012, and every 2 years thereafter, the Secretary of Labor shall submit the list developed under paragraph (2)(C) to Congress.”.

SEC. 223. INFORMATION SHARING TO COMBAT CHILD LABOR AND SLAVE LABOR.

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

“(3) Information sharing.—The Secretary of State shall, on a regular basis, provide information relating to child labor and forced labor in the production of goods in violation of international standards to the Department of Labor to be used in
developing the list described in subsection 
(b)(2)(C).”

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

Section 107(c)(4) of the Trafficking Victims Protec-
tion Act of 2000 (22 U.S.C. 7105(c)(4)) is amended—
(1) in the first sentence, by inserting “the De-
partment of Labor, the Equal Employment Oppor-
tunity Commission,” before “and the Department’’;

and

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

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

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

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

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

(3) the Committee on the Judiciary of the 
House of Representatives; and
(4) the Committee on Education and the Workforce of the House of Representatives.

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

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

(A) the use of labor recruiters or brokers;

or

(B) directly recruiting foreign workers;

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

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

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

(5) recommend possible actions for Federal departments and agencies to combat any abuses.

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

(1) describe the role of labor recruiters or brokers working in countries that are sending workers and receiving funds, including any identified involvement in labor abuses;
(2) describe the role and practices of employers in the United States that commission labor recruiters or brokers or directly recruit foreign workers;

(3) describe the role of Federal departments and agencies in overseeing and regulating the foreign labor recruitment process, including certifying and enforcing under existing regulations; and

(4) based on the information required under paragraphs (1) through (3), identify any common abuses of foreign workers and the employment system, including the use of fees and debts; and recommendations of actions that could be taken by Federal departments and agencies to combat any identified abuses.

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

SEC. 231. ASSISTANCE FOR DOMESTIC MINOR SEX TRAFFICKING VICTIMS.

(a) In General.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a) is amended to read as follows:
"SEC. 202. ESTABLISHMENT OF A GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.

"(a) DEFINITIONS.—In this section:

"(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

"(2) ASSISTANT ATTORNEY GENERAL.—The term ‘Assistant Attorney General’ means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

"(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or unit of local government that—

"(A) has significant criminal activity involving sex trafficking of minors;

"(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

"(C) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—
"(i) building or establishing a residential care facility for minor victims of sex trafficking; through;

"(ii) the provision of rehabilitative care to minor victims of sex trafficking;

"(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

"(iv) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

"(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

"(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

"(D) provides assurance that a minor victim of sex trafficking shall not be required to
collaborate with law enforcement to have access

to residential care or services provided with a

grant under this section:

"(4) MINOR VICTIM OF SEX TRAFFICKING.—

The term ‘minor victim of sex trafficking’ means an

individual who—

"(A) is younger than 18 years of age, and

is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

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

"(ii) on the day before the individual reached 18 years of age, was described in sub-

paragraph (A); and

"(iii) was receiving shelter or services as a

minor victim of sex trafficking.

"(5) QUALIFIED NONGOVERNMENTAL ORGANIZATION.—The term ‘qualified nongovernmental or-

ganization’ means an organization that—

"(A) is not a State or unit of local govern-

ment, or an agency of a State or unit of local
government;

"(B) has demonstrated experience pro-

viding services to victims of sex trafficking or
related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

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

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

"(b) SEX TRAFFICKING BLOCK GRANTS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary, may make block grants to eligible entities located in different regions of the United States to combat sex trafficking of minors.

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

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

"(D) DURATION.—

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

"(ii) RENEWAL.—

"(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for up to 3 1-year periods.

"(II) PRIORITY.—In making grants in any fiscal year after the first fiscal year in which grants are made under this section, the Assistant Attorney General shall give priority to an eligible entity that received a grant in the preceding fiscal year and is eligible for renewal under this subparagraph, taking into account any evaluation of the eligible entity conducted under paragraph (4), if available.

"(E) CONSULTATION.—In carrying out this section, the Assistant Attorney General
shall consult with the Assistant Secretary with respect to—

"(i) evaluations of grant recipients under paragraph (4);

"(ii) avoiding unintentional duplication of grants; and

"(iii) any other areas of shared concern.

"(2) USE OF FUNDS.—

"(A) ALLOCATION.—Not less than 67 percent of each grant made under paragraph (1) shall be used by the eligible entity to provide residential care and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations.

"(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

"(i) providing residential care to minor victims of sex trafficking, including temporary or long-term placement as appropriate;
“(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

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

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

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

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

“(vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors and severe forms of trafficking in persons;

“(viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors;
"(ix) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

"(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation; or is an appropriate alternative to criminal prosecution; and

"(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor; and

"(x) screening and referral of minor victims of severe forms of trafficking in persons.

"(3) APPLICATION.—

"(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

"(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—
"(i) describe the activities for which assistance under this section is sought; and

"(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

"(4) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of each grant made under this section to determine the impact and effectiveness of programs funded with the grant.

"(c) MANDATORY EXCLUSION.—An eligible entity that receives a grant under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

"(d) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a grant under this section if, during the 5 fiscal years before the eligible entity sub-
mits an application for the grant, the eligible entity has
been found to have violated the terms or conditions of a
Government grant program by utilizing grant funds for
unauthorized expenditures or otherwise unallowable costs.

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

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

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

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

"(2) 25 percent of the grant during the first re-
newal period;

"(3) 40 percent of the grant during the second
renewal period; and

"(4) 50 percent of the grant during the third
renewal period.
“(h) No Limitation on Section 204 Grants.—An entity that applies for a grant under section 204 is not prohibited from also applying for a grant under this section.

“(i) Authorization of Appropriations.—There are authorized to be appropriated $8,000,000 to the Attorney General for each of the fiscal years 2012 through 2015 to carry out this section.

“(j) GAO Evaluation.—Not later than 30 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains—

“(1) an evaluation of the impact of this section in aiding minor victims of sex trafficking in the jurisdiction of the entity receiving the grant; and

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

(b) Sunset Provision.—The amendment made by subsection (a) shall be effective during the 4-year period beginning on the date of the enactment of this Act.
SEC. 232. EXPANDING LOCAL LAW ENFORCEMENT GRANTS FOR INVESTIGATIONS AND PROSECUTIONS OF TRAFFICKING.

Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044e) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "'which involve United States citizens, or aliens admitted for permanent residence, and'';

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

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

"'(B) to train law enforcement personnel how to identify victims of severe forms of trafficking in persons and related offenses;''; and

(D) in subparagraph (C), as redesignated, by inserting "'and prioritize the investigations and prosecutions of those cases involving minor victims"' after "'sex acts'";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (e) the following:

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“(d) No Limitation on Section 202 Grant Applications.—An entity that applies for a grant under section 202 is not prohibited from also applying for a grant under this section.”;

(4) in subsection (c), as redesignated, 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 through 2015”; and

(5) by adding at the end the following:

“(f) GAO Evaluation and Report.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—

“(1) the ability of law enforcement personnel to identify victims of severe forms of trafficking in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and

“(2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).”
SEC. 233. MODEL STATE CRIMINAL LAW PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) protects children exploited through prostitution by including safe harbor provisions that—

(A) treat an individual under 18 years of age who has been arrested for engaging in, or attempting to engage in, a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

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

(C) require the referral of an individual described in subparagraph (A) to appropriate service providers, including comprehensive service or community-based programs that provide...
assistance to child victims of commercial sexual
exploitation; and

"(D) provide that an individual described
in subparagraph (A) shall not be required to
prove fraud, force, or coercion in order to re-
ceive the protections described under this para-
graph;"

TITLE III—AUTHORIZATION OF
APPROPRIATIONS

SEC. 301. ADJUSTMENT OF AUTHORIZATION LEVELS FOR
THE TRAFFICKING VICTIMS PROTECTION
ACT OF 2000.

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

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

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

(3) in section 113 (22 U.S.C. 7110)—

(A) subsection (a)—

(i) by striking "2008 through 2011"
each place it appears and inserting "2012
through 2015"; and
(ii) by inserting “...including regional trafficking in persons officers...” after “for additional personnel’’;

(B) in subsection (b)—

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

(ii) in paragraph (2), by striking “to the Secretary of Health and Human Services...” and all that follows and inserting “$7,000,000 to the Secretary of Health and Human Services for each of the fiscal years 2012 through 2015.”;

(C) in subsection (c)(1)—

(i) in subparagraph (A), by striking “2008 through 2011” each place it appears and inserting “2012 through 2015’’;

(ii) in subparagraph (B)—

(I) by striking “$15,000,000 for fiscal year 2003 and $10,000,000 for each of the fiscal years 2008 through 2011” and inserting “$10,000,000 for...”
each of the fiscal years 2012 through 2015”; and

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

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

(D) in subsection (d)—

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

(ii) in the paragraph (1), as redesignated, by striking “$10,000,000 for each of the fiscal years 2008 through 2011” and inserting “$12,000,000 for each of the fiscal years 2012 through 2015”;

(iii) in paragraph (2), as redesignated, by striking “2008 through 2011” and inserting “2012 through 2015”; and

(iv) in paragraph (3), as redesignated, by striking “to the Attorney General” and all that follows and inserting “$7,000,000 to the Attorney General for each of the fiscal years 2012 through 2015.”;
(E) in subsection (e), by striking “2008 through 2011” each place it appears and inserting “2012 through 2015”;

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

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

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


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

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

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

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TITLE IV—UNACCOMPANIED ALIEN CHILDREN

SEC. 401. PROTECTION FOR MINORS SEEKING ASYLUM.

(a) In General.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), by amending subparagraph (E) to read as follows:

"(E) Applicability to minors.—Subparagraphs (A), (B), and (C) shall not apply to an applicant who is younger than 18 years of age on the earlier of—

"(i) the date on which the asylum application is filed; or

"(ii) the date on which any Notice to Appear is issued."; and

(2) in subsection (b)(3)(C), by striking "an unaccompanied alien child" and all that follows and inserting the following: "an applicant who is younger than 18 years of age on the earlier of—

"(i) the date on which the asylum application is filed; or

"(ii) the date on which any Notice to Appear is issued.".
(b) Reinstatement of Removal.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended—

(1) in paragraph (5), by striking “If the Attorney General” and inserting “Except as provided in paragraph (8), if the Secretary of Homeland Security”;

and

(2) by adding at the end the following:

“(8) Applicability of reinstatement of removal.—Paragraph (5) shall not apply to an alien who has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, if the alien was younger than 18 years of age on the date on which the alien was removed or departed voluntarily under an order of removal.”.

SEC. 402. APPROPRIATE CUSTODIAL SETTINGS FOR UNACCOMPANIED MINORS WHO REACH THE AGE OF MAJORITY WHILE IN FEDERAL CUSTODY.

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

(1) by striking “Subject to” and inserting the following:
“(A) MINORS IN DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY.—Subject to”,

and

(2) by adding at the end the following:

“(B) ALIENS TRANSFERRED FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEPARTMENT OF HOMELAND SECURITY CUSTODY.—If a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien’s danger to self, danger to the community, and risk of flight. Such aliens shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien’s need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home.”
SEC. 403. APPOINTMENT OF CHILD ADVOCATES FOR UNACCOMPANIED MINORS.

Section 235(c)(6) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(A) In general.—The Secretary; and"

(2) by adding at the end the following:

"(B) Appointment of child advocates.—"

"(i) Initial sites.—Not later than 2 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary of Health and Human Services shall establish child advocate programs at 3 new immigration detention sites to provide independent child advocates for trafficking victims and vulnerable unaccompanied alien children.

"(ii) Additional sites.—Not later than 3 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary shall establish and implement child advocate programs at immigration detention..."
sites at which more than 50 children are held in immigration custody.

"(iii) Selection of Sites.—Sites at which child advocate programs will be established under this subparagraph shall be selected sequentially, with priority given to locations with—

"(I) the largest number of unaccompanied alien children; and

"(II) the most vulnerable populations of unaccompanied children.

"(C) Annual Report to Congress.—Not later than 1 year after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, and annually thereafter, the Secretary of Health and Human Services shall submit a report describing the activities undertaken by the Secretary to authorize the appointment of independent Child Advocates for trafficking victims and vulnerable unaccompanied alien children to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.
(D) Assessment of child advocate program.—

(i) In general.—As soon as practicable after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the Child Advocate Program operated by the Secretary of Health and Human Services:

(ii) Matters to be studied.—In the study required under clause (i), the Comptroller General shall collect information and analyze the following:

(I) analyze the effectiveness of existing child advocate programs in improving outcomes for trafficking victims and other vulnerable unaccompanied alien children;

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

(III) evaluate the funds available to the Secretary of Health and Human Services and project the addi-
tional funds that would be needed to
fully implement effective child adva-
cate programs for all trafficking vic-
tims and other vulnerable unaccom-
panied children;

"(IV) evaluate the barriers to im-
proving outcomes for trafficking vic-
tims and other vulnerable unaccom-
panied children; and

"(V) make recommendations on
statutory changes to improve the
Child Advocate Program in relation to
the matters analyzed under subclauses
(I) through (IV).

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

"(I) the Committee on the Judi-
ciary of the Senate;

"(II) the Committee on Health,
Education, Labor, and Pensions of
the Senate;
(III) the Committee on the Judiciary of the House of Representatives; and

(IV) the Committee on Education and the Workforce of the House of Representatives.

(E) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary and Human Services to carry out this subsection—

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

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

SEC. 404. ACCESS TO FEDERAL FOSTER CARE AND UNACCOMPANIED REFUGEE MINOR PROTECTIONS FOR CERTAIN U VISA RECIPIENTS.

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

(1) in subparagraph (A),

(A) by striking “either”; and

(B) by striking “or who” and inserting a comma; and
(C) by inserting ‘‘; or has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)),’’ before ‘‘; shall be eligible’’; and


SEC. 405. GAO STUDY OF THE EFFECTIVENESS OF BORDER SCREENINGS.

(a) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study examining the effectiveness of screenings conducted by Department of Homeland Security personnel in carrying out section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)).

(2) Study.—In carrying out paragraph (1), the Comptroller General shall take into account the degree to which Department of Homeland Security personnel are adequately ensuring that—

(A) all children are being screened to determine whether they are described in section...
235(a)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act;

(B) appropriate and reliable determinations are being made about whether children are described in section 235(a)(2)(A) of such Act;

(C) children are repatriated in an appropriate manner, consistent with clauses (i) through (iii) of section 235(a)(2)(C) of such Act;

(D) children are appropriately being permitted to withdraw their applications for admission, in accordance with section 235(a)(2)(B)(i) of such Act;

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

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

(3) Access to Department of Homeland Security Operations.—
(A) IN GENERAL.—Except as provided in subparagraph (B), for the purposes of conducting the study described in subsection (a), the Secretary shall provide the Comptroller General with unrestricted access to all stages of screenings and other interactions between Department of Homeland Security personnel and children encountered by the Comptroller General.

(B) EXCEPTIONS.—The Secretary shall not permit unrestricted access under subparagraph (A) if the Secretary determines that the security of a particular interaction would be threatened by such access.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of the commencement of the study described in subsection (a), the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the Commission’s findings and recommendations.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2011”.
(b) TABLE OF CONTENTS.—The table of contents for 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.
Sec. 108. Prevention of child trafficking through child marriage.
Sec. 109. Child soldiers.
Sec. 110. Presidential Award for Technological Innovations To Combat Trafficking in Persons.
Sec. 111. Contracting requirements.
Sec. 112. Department of Defense reporting of trafficking in persons claims and violations.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Penalties Against Traffickers and Other Crimes

Sec. 201. Criminal trafficking offenses.
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.

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.
Sec. 226. Oversight of Department of Justice programs.

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. Appropriate custodial settings for unaccompanied minors who reach the age of majority while in Federal custody.
Sec. 402. Appointment of child advocates for unaccompanied minors.
Sec. 403. Access to Federal foster care and unaccompanied refugee minor protections for certain U Visa recipients.
Sec. 404. GAO study of the effectiveness of border screenings.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. REGIONAL STRATEGIES FOR COMBATING TRAFFICKING IN PERSONS.

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

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

(2) in subsection (e)(2)—

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

(B) by redesignating subparagraph (B) as paragraph (2), and moving such paragraph, as so redesignated, 2 ems to the left; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and
moving such subparagraphs, as so redesignated,

2 ems to the left;

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

“(f) REGIONAL STRATEGIES FOR COMBATING TRAFFICKING IN PERSONS.—Each regional bureau in the Department of State shall contribute to the realization of the anti-trafficking goals and objectives of the Secretary of State. By June 30 of each year, in cooperation with the Office to Monitor and Combat Trafficking, each regional bureau shall submit a list of anti-trafficking goals and objectives for each country in its geographic area of responsibility. Host governments shall be informed of the goals and objectives for their particular country by June 30 and, to the extent possible, host government officials should contribute to the drafting of the goals and objectives.”.

SEC. 102. REGIONAL ANTI-TRAFFICKING OFFICERS.

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

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (d), the following:
“(e) REGIONAL ANTI-TRAFFICKING IN PERSONS OFFICERS.—Under the authority, direction, and control of the President, the Secretary of State, in accordance with the provisions of this Act, and in order to promote effective bilateral and regional anti-trafficking diplomacy, public diplomacy initiatives, and coordination of programs, is authorized—

“(1) to appoint, at United States embassies, anti-trafficking in persons officers, who shall collaborate with other countries to eliminate human trafficking; and

“(2) to assign the officers appointed under paragraph (1) to fulfill tasks such as—

“(A) expanding the anti-trafficking efforts of the Office to Monitor and Combat Trafficking in Persons of the Department of State, including—

“(i) maintaining direct contact with the Office to Monitor and Combat Trafficking in Persons; and

“(ii) undertaking tasks recommended by the Director of the Office to Monitor and Combat Trafficking in Persons;

“(B) monitoring trafficking trends in the region;
“(C) assessing compliance with the provisions of this Act;

“(D) determining and furthering effective anti-trafficking programs and partnerships with foreign governments and foreign nongovernmental organizations;

“(E) strengthening diplomatic outreach on trafficking in persons; and

“(F) assisting and advising United States embassies overseas on their input to the Office to Monitor and Combat Trafficking in Persons for the preparation of the annual Trafficking in Persons Report.”.

SEC. 103. PARTNERSHIPS AGAINST SIGNIFICANT TRAFFICKING IN PERSONS.

The Trafficking Victims Protection Act of 2000 is amended by inserting after section 105 (22 U.S.C. 7103) the following:

“SEC. 105A. CREATING, BUILDING, AND STRENGTHENING PARTNERSHIPS AGAINST SIGNIFICANT TRAFFICKING IN PERSONS.

“(a) DECLARATION OF PURPOSE.—The purpose of this section is to promote collaboration and cooperation—
“(1) between the United States Government and
governments listed on the annual Trafficking in Per-
sons Report;
“(2) between foreign governments and civil soci-
ety actors; and
“(3) between the United States Government and
private sector entities.
“(b) PARTNERSHIPS.—The Director, in coordination
and cooperation with other officials at the Department of
State involved in corporate responsibility and global part-
nerships, the Deputy Under Secretary for International Af-
fairs of the Department of Labor, and other relevant offi-
cials of the United States Government, shall promote, build,
and sustain partnerships between the United States Gov-
ernment and private entities, including foundations, uni-
versities, corporations, community-based organizations,
and other nongovernmental organizations, to ensure that—
“(1) United States citizens do not use any item,
product, or material produced or extracted with the
use and labor from victims of severe forms of traf-
ficking; and
“(2) such entities do not contribute to trafficking
in persons involving sexual exploitation.
“(c) ADDITIONAL MEASURES TO ENHANCE ANTI-TRA-
FICKING RESPONSE AND CAPACITY.—The President shall
establish and carry out programs with foreign governments and civil society to enhance anti-trafficking response and capacity, including—

“(1) technical assistance and other support to improve the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

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

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

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

“(B) labor recruitment firms are regulated; and
“(C) workers providing domestic services in households are provided protection under labor rights laws; and
“(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations, where possible under domestic law.
“(d) Program to Address Emergency Situations.—The Secretary of State, acting through the Director of the Office to Monitor and Combat Trafficking in Persons, is authorized to establish a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking in persons, protection of victims, and prosecution of trafficking offenders.
“(e) Child Protection Compacts.—
“(1) In general.—The Secretary of State, acting through the Director of the Office to Monitor and Combat Trafficking in Persons and in consultation with the Bureau of Democracy, Human Rights, and Labor, the Bureau of International Labor Affairs of the Department of Labor, the United States Agency for International Development, and other relevant agencies, is authorized to provide assistance under this section for each country that enters into a child
protection compact with the United States to support policies and programs that—

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

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

“(2) ELEMENTS.—A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this Act, and shall describe—

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

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

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

“(D) regular outcome indicators to monitor and measure progress toward achieving such objectives; and
“(E) a multi-year financial plan, including the estimated amount of contributions by the United States Government and the foreign government, and proposed mechanisms to implement the plan and provide oversight.

“(3) Form of Assistance.—Assistance under this subsection may be provided in the form of grants, cooperative agreements, or contracts to or with national governments, regional or local governmental units, or non-governmental organizations or private entities with expertise in the protection of victims of severe forms of trafficking in persons.

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

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

“(B) objective, documented, and quantifiable indicators, to the maximum extent possible.
“(5) Selection criteria.—A country shall be selected under paragraph (4) on the basis of—

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

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

“(6) Suspension and termination of assistance.—

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

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

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

to adhere to its responsibilities under the

Compact.

“(B) REINSTATEMENT.—The Secretary may

reinstate assistance for a country or entity sus-
pended or terminated under this paragraph only

if the Secretary determines that the country or

entity has demonstrated a commitment to cor-
recting each condition for which assistance was

suspended or terminated under subparagraph

(A).”.

SEC. 104. PROTECTION AND ASSISTANCE FOR VICTIMS OF

TRAFFICKING.

(a) Task Force Activities.—Section 105(d)(6) of

the Trafficking Victims Protection Act of 2000 (22 U.S.C.

7103(d)(6)) is amended by inserting “, and make reason-
able efforts to distribute information to enable all relevant

Federal Government agencies to publicize the National

Human Trafficking Resource Center Hotline on their

websites, in all headquarters offices, and in all field offices

throughout the United States” before the period at the end.

(b) Congressional Briefing.—Section 107(a)(2) of

the Trafficking Victims Protection Act of 2000 (22 U.S.C.

7105(a)(2)) is amended by inserting “and shall brief Con-
gress annually on such efforts” before the period at the end.
SEC. 105. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

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

(1) in paragraph (3)—

(A) by striking “peacekeeping” and inserting “diplomatic, peacekeeping,”;

(B) by striking “; and measures” and inserting “, a transparent system for remediating or punishing such public officials as a deterrent, measures”; and

(C) by inserting “, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with source, transit, or destination countries in its trafficking route, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting” before the period at the end;

(2) in paragraph (4), by inserting “and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with source, transit, and destination countries in its trafficking route” before the period at the end;

(3) in paragraph (7)—
(A) by inserting “, including diplomats and soldiers,” after “public officials”; 

(B) by striking “peacekeeping” and inserting “diplomatic, peacekeeping,”; and 

(C) by inserting “A government’s failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria.” after “such trafficking.”; 

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

(5) by inserting after paragraph (8) the following: 

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

“(A) domestic civil society organizations or the private sector to assist the government’s efforts to prevent trafficking, protect victims, and punish traffickers; or 

“(B) the United States toward agreed goals and objectives in the collective fight against trafficking.”.
SEC. 106. BEST PRACTICES IN TRAFFICKING IN PERSONS ERADICATION.

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

(1) in paragraph (1)—

(A) by striking “with respect to the status of severe forms of trafficking in persons that shall include—” and inserting “describing the anti-trafficking efforts of governments according to the minimum standards and criteria enumerated in section 108, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report should include—”;

(B) in subparagraph (B), by striking “compliance;” and inserting “compliance, including the identification and mention of governments that—

“(A) are on such list and have demonstrated exemplary progress in their efforts to reach the minimum standards; or

“(B) have committed to the Secretary to accomplish certain actions before the subsequent year’s annual report in an attempt to reach full compliance with the minimum standards;”;

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(C) in subparagraph (E), by striking ‘‘; and’’; and inserting a semicolon;

(D) in subparagraph (F), by striking the period at the end and inserting ‘‘; and’’; and

(E) by inserting at the end the following:

“(G) a section entitled ‘Exemplary Governments and Practices in the Eradication of Trafficking in Persons’ to highlight—

“(i) effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and

“(ii) governments that have shown exemplary overall efforts to combat trafficking in persons.’’;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) in paragraph (2), as redesignated, by adding at the end the following:

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

SEC. 107. PROTECTIONS FOR DOMESTIC WORKERS AND OTHER NONIMMIGRANTS.

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

(1) in subsection (a)—

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

(B) in paragraph (1)—

(i) by inserting “and video” after “information pamphlet”; and

(ii) by adding at the end the following:

“The video shall be distributed and shown in consular waiting rooms in embassies and consulates determined to have the greatest concentration of employment or education-based non-immigrant visa applicants, and where sufficient video facilities exist in waiting or other rooms where applicants
wait or convene. The Secretary of State is authorized to augment video facilities in such consulates or embassies in order to fulfill the purposes of this section.”;

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

(3) in subsection (c)—

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

(B) in paragraph (2), by inserting “and the video produced or dubbed” after “translated”; and

(4) in subsection (d)—

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

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

(C) by adding at the end the following:

“(4) Deadline for video development and distribution.—Not later than 1 year after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary of State shall make available the video developed under sub-
section (a) produced or dubbed in all the languages
referred to in subsection (c).”.

**SEC. 108. PREVENTION OF CHILD TRAFFICKING THROUGH**

**CHILD MARRIAGE.**

(a) **IN GENERAL.—**Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104), as amended by section 102, is further amended by adding at the end the following:

“(k) **PREVENTION OF CHILD TRAFFICKING THROUGH CHILD MARRIAGE.**—The Secretary of State shall establish and implement a multi-year, multi-sectoral strategy—

“(1) to prevent child marriage;
“(2) to promote the empowerment of girls at risk of child marriage in developing countries;
“(3) that should address the unique needs, vulnerabilities, and potential of girls younger than 18 years of age in developing countries;
“(4) that targets areas in developing countries with high prevalence of child marriage; and
“(5) that includes diplomatic and programmatic initiatives.”.

(b) **INCLUSION OF CHILD MARRIAGE STATUS IN REPORTS.**—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—
(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following:

“(g) CHILD MARRIAGE STATUS.—

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

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

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

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

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

“(i) CHILD MARRIAGE STATUS.—

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

“(2) DEFINED TERM.—In this subsection, the term ‘child marriage’ means the marriage of a girl or boy who is—
“(3) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

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

SEC. 109. CHILD SOLDIERS.

Section 404 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 2370c–1) is amended—

(1) in subsection (a), by striking “(b), (c), and (d), the authorities contained in section 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347)” and inserting “(b) through (f), the authorities contained in sections 516, 541, and 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j, 2347, and 2348)”;

(2) by adding at the end the following:

“(f) EXCEPTION FOR PEACEKEEPING OPERATIONS.—The limitation set forth in subsection (a) that relates to section 551 of the Foreign Assistance Act of 1961 shall not apply to programs that support military professionalization, security sector reform, heightened respect for human rights, peacekeeping preparation, or the demobilization and reintegration of child soldiers.”.
SEC. 110. PRESIDENTIAL AWARD FOR TECHNOLOGICAL INNOVATIONS TO COMBAT TRAFFICKING IN PERSONS.

Section 112B(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109b(a)) is amended—

(1) in the section heading, by inserting “AND TECHNOLOGICAL INNOVATIONS” after “EXTRAORDINARY EFFORTS”;

(2) by inserting “and technological innovations” after “extraordinary efforts.”;

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

(4) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(3) private sector entities; and

“(4) national governments or regional and local governmental units.”.

SEC. 111. CONTRACTING REQUIREMENTS.

Section 106(h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(h)), as redesignated by section 102, is amended—

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

“(1) IN GENERAL.—The President”;
(2) by striking “subcontractor (i)” and all that follows and inserting the following: “subcontractor engages in, or uses labor recruiters or brokers who engage in, acts related to trafficking in persons, the procurement of commercial sex acts, or the use of forced labor in the performance of the grant, contract, or cooperative agreement, including, if in furtherance of such acts—

(A) destroying, concealing, removing, or confiscating an employee’s immigration documents without the employee’s consent;

(B) failing to assist with the repatriation of an employee upon the end of employment, unless the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment;

(C) placing an employee in a location or occupation other than the location or occupation that was indicated to the employee when the employee was recruited, without the concurrence of the employee;

(D) charging recruited employees placement fees equal to or greater than the employee’s annual salary or half the employee’s total anticipated pay, whichever is less; and
(E) any other activities that support or promote trafficking in persons, the procurement of commercial sex acts, or the use of forced labor in the performance of the grant, contract, or cooperative agreement.”; and

(3) by adding at the end the following:

“(2) CONTRACT COMPLIANCE PLAN.—

“(A) COMPLIANCE PLAN AND CERTIFICATION OF SUBCONTRACT REVIEW.—The head of a Federal department or agency may not make or enter into a grant, contract, or cooperative agreement valued at $1,000,000 or more if performance will predominantly be conducted overseas in support of contingency operations, unless a duly designated representative of the entity receiving such grant, contract, or cooperative agreement certifies to the contracting officer, after having conducted due diligence, that—

“(i) the contracting entity has implemented a plan to prevent the activities described in subparagraphs (A) through (E) of paragraph (1) and is in compliance with such plan; and

“(ii) to the best of such representative’s knowledge, neither the contracting entity
nor any subgrantee or subcontractor holding a subgrant or subcontract under such grant, contract, or cooperative agreement valued at $1,000,000 or more, is engaged in any of the activities described in such subparagraphs.

“(B) CONTRACT EVALUATION.—

“(i) In general.—If the contracting officer for a grant, contract, or cooperative agreement described under subparagraph (A) receives any report that a contracting entity, or any subcontractor or subgrantee, has engaged in an activity described in paragraph (1), including reports from a contracting officer representative, an inspector general, an auditor, or any other official source, the contracting officer may, before renewing any remaining options for such grant, contract, or cooperative agreement, or the grant, contract, or cooperative agreement itself, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such grant, contract, or cooperative agreement to prevent future occ-
currences of such noncompliance or unsatisfactory performance.

“(ii) Effect of continued noncompliance.—If the contracting officer determines that the noncompliance or unsatisfactory performance under the grant, contract, or cooperative agreement described in clause (i) cannot be resolved and prevented in the future, the contracting officer—

“(I) may not renew any remaining options for such grant, contract, or cooperative agreement, or the grant, contract, or cooperative agreement itself, with such contracting entity; and

“(II) may terminate the grant, contract, or cooperative agreement without penalty if such grant, contract, or cooperative agreement was made or entered into after the effective date of this paragraph.

“(iii) Inclusion of credible reports.—A contracting officer may enter in the past performance evaluation of a contractor any reports, determined to be credi-
ible by the contracting officer, that any en-
tity has engaged in any activity described
in subparagraphs (A) through (E) of para-
graph (1), including reports from a con-
tracting officer representative, an inspector
general, an auditor, or any other official
source.

“(3) Rule of Construction.—Nothing in this
subsection may be construed as superseding, restrict-
ing, or limiting the application of any Federal con-
tracting law or regulation.”.

SEC. 112. DEPARTMENT OF DEFENSE REPORTING OF TRAF-
FICKING IN PERSONS CLAIMS AND VIOLA-
TIONS.

Section 105(d)(7)(H) of the Trafficking Victims Pro-
tection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amend-
ed—

(1) in clause (ii), by striking “; and” and insert-
ing a semicolon;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following
new clause:

“(iii) all known trafficking in persons
cases reported to the Under Secretary of De-
fense for Personnel and Readiness;”;
(4) in clause (iv), as redesignated by paragraph (2), by striking the semicolon at the end and inserting “; and”; and
(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition Technology and Logistics;”.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES
Subtitle A—Penalties Against Traffickers and Other Crimes

SEC. 201. CRIMINAL TRAFFICKING OFFENSES.
(a) RICO AMENDMENT.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “section 1351 (relating to fraud in foreign labor contracting),” before “section 1425”.
(b) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Section 2423(c) of title 18, United States Code, is amended by inserting “or resides, either temporarily or permanently, in a foreign country” after “commerce”.

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(c) **Unlawful Conduct With Respect to Documents.**—

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

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§ 1597. Unlawful conduct with respect to immigration documents

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

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

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

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

(b) **Penalty.**—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.
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“(c) Obstruction.—Any person who knowingly obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b).”.

(2) Technical and Conforming Amendment.—The table of sections for 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. 202. Civil Remedies; Clarifying Definition.

(a) Civil Remedy for Personal Injuries.—Section 2255 of title 18, United States Code, is amended—

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

and

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

(b) Definition.—

(1) In General.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

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

(B) by inserting before paragraph (2), as redesignated, the following:
“(1) Abuse or threatened abuse of law or legal process.—The term ‘abuse or threatened abuse of the legal process’ means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.”;

(C) in paragraph (14), as redesignated, by striking “paragraph (8)” and inserting “paragraph (9)”; and

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

(2) Technical and conforming amendments.—

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

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

(I) by striking “section 103(7)(A)” and inserting “section 103(8)(A)”;}
(II) by striking “section 103(7)(B)” and inserting “section 103(8)(B)”; and

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

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

(C) TRAFFICKING VICTIMS PROTECTION RE-AUTHORIZATION ACT OF 2005.—Section 207 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044e) is amended—

(i) in paragraph (1), by striking “section 103(8)” and inserting “section 103(9)”; and

(ii) in paragraph (2), by striking “section 103(9)” and inserting “section 103(10)”; and

(iii) in paragraph (3), by striking “section 103(3)” and inserting “section 103(4)”. 
(D) VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT

OF 2005.—Section 111(a)(1) of the Violence
Against Women and Department of Justice Re-
authorization Act of 2005 (42 U.S.C.
14044f(a)(1)) is amended by striking “para-
graph (8)” and inserting “paragraph (9)”.

Subtitle B—Ensuring Availability
of Possible Witnesses and In-
formants

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

Section 101(a)(15)(T)(ii)(III) of the Immigration and
Nationality Act (8 U.S.C. 1101(a)(15)(T)(ii)(III)) is
amended by inserting “, or any adult or minor children
of a derivative beneficiary of the alien, as” after “age”.

SEC. 212. PROTECTION AGAINST FRAUD IN FOREIGN LABOR
CONTRACTING.

Section 101(a)(15)(U)(iii) of the Immigration and
Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended
by inserting “fraud in foreign labor contracting (as defined
in section 1351 of title 18, United States Code);” after “per-
jury;”.
Subtitle C—Ensuring Interagency Coordination and Expanded Reporting

SEC. 221. REPORTING REQUIREMENTS FOR THE ATTORNEY GENERAL.

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

(1) by redesignating subparagraphs (D) through (J) as subparagraphs (I) through (O);

(2) by striking subparagraphs (B) and (C) and inserting the following:

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

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

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

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

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

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

“(H) any efforts being taken to reduce the
adjudication and processing time, while ensuring
the safe and competent processing of the applica-
tions;”;

(3) in subparagraph (N)(iii), as redesignated, by
striking “and” at the end;

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

(5) by adding at the end the following:

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

“(Q) the activities undertaken by Federal
agencies in cooperation with State, tribal, and
local law enforcement officials to identify, inves-
tigate, and prosecute offenses under sections
1581, 1583, 1584, 1589, 1590, 1592, and 1594 of
title 18, United States Code, or equivalent State
offenses, including, in each fiscal year—
“(i) the number, age, gender, country of origin, and citizenship status of victims identified for each offense;

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

“(iii) the number of individuals referred for prosecution for State offenses, including offenses relating to the purchasing of commercial sex acts;

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

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

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

SEC. 222. REPORTING REQUIREMENTS FOR THE SECRETARY OF LABOR.

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

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

SEC. 223. INFORMATION SHARING TO COMBAT CHILD LABOR AND SLAVE LABOR.

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

“(3) INFORMATION SHARING.—The Secretary of State shall, on a regular basis, provide information relating to child labor and forced labor in the production of goods in violation of international standards to the Department of Labor to be used in developing the list described in subsection (b)(2)(C).”.
SEC. 224. GOVERNMENT TRAINING EFFORTS TO INCLUDE THE DEPARTMENT OF LABOR.

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

(1) in the first sentence, by inserting “the Department of Labor, the Equal Employment Opportunity Commission,” before “and the Department”; and

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

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

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

(1) the Committee on the Judiciary of the Senate;

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

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

(4) the Committee on Education and the Workforce of the House of Representatives.
(b) CONTENTS.—The report under subsection (a) should, to the extent possible—

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

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

(B) directly recruiting foreign workers;

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

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

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

(5) recommend possible actions for Federal departments and agencies to combat any abuses.

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

(1) describe the role of labor recruiters or brokers working in countries that are sending workers and receiving funds, including any identified involvement in labor abuses;

(2) describe the role and practices of employers in the United States that commission labor recruiters or brokers or directly recruit foreign workers;
(3) describe the role of Federal departments and agencies in overseeing and regulating the foreign labor recruitment process, including certifying and enforcing under existing regulations;

(4) describe the type of jobs and the numbers of positions in the United States that have been filled through foreign workers during each of the last 8 years, including positions within the Federal Government;

(5) describe any efforts or programs undertaken by Federal, State and local government entities to encourage employers, directly or indirectly, to use foreign workers or to reward employers for using foreign workers; and

(6) based on the information required under paragraphs (1) through (3), identify any common abuses of foreign workers and the employment system, including the use of fees and debts, and recommendations of actions that could be taken by Federal departments and agencies to combat any identified abuses.

SEC. 226. OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.

All grants awarded by the Attorney General under this Act shall be subject to the following accountability provisions:
(1) Audit Requirement.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) Mandatory Exclusion.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) Priority.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) Reimbursement.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—
(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

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

(5) Defined Term.—In this subsection, the term “unresolved audit finding” means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) Matching Requirement.—

(A) In General.—Unless otherwise explicitly provided, no funds may be expended for grants to non-federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) Cash Requirement.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.
(C) **In-kind Contributions.**—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term “in-kind contributions” means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) **Nonprofit Organization Requirements.**—

(A) **Definition.**—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) **Prohibition.**—The Attorney General may not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.
(C) DISCLOSURE.—(C) DISCLOSURE.—

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

(8) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts authorized to be appropriated in any fiscal year under subsections (b)(2) and (f) of section 107(f) of the Trafficking Victims Protection Act of 2000, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005, and section 231 of this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.
(9) Conference Expenditures.—

(A) Limitation.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) Written Approval.—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) Report.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) Prohibition on Lobbying Activity.—
(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a federal, state, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(11) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs shall submit, to Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the
Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

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

SEC. 231. ASSISTANCE FOR DOMESTIC MINOR SEX TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a) is amended to read as follows:
“SEC. 202. ESTABLISHMENT OF A GRANT PROGRAM TO DE-
VELOP, EXPAND, AND STRENGTHEN ASSIST-
ANCE PROGRAMS FOR CERTAIN PERSONS
SUBJECT TO TRAFFICKING.

“(a) DEFINITIONS.—In this section:

“(1) ASSISTANT SECRETARY.—The term ‘Assist-
ant Secretary’ means the Assistant Secretary for Chil-
dren and Families of the Department of Health and
Human Services.

“(2) ASSISTANT ATTORNEY GENERAL.—The term
‘Assistant Attorney General’ means the Assistant At-
torney General for the Office of Justice Programs of
the Department of Justice.

“(3) ELIGIBLE ENTITY.—The term ‘eligible enti-
ty’ means a State or unit of local government that—

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

“(B) has demonstrated cooperation between
Federal, State, local, and, where applicable, trib-
al law enforcement agencies, prosecutors, and so-
cial service providers in addressing sex traf-
ficking of minors;

“(C) has developed a workable, multi-dis-
ciplinary plan to combat sex trafficking of mi-
nors, including—
“(i) building or establishing a residential care facility for minor victims of sex trafficking;

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

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

“(iv) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

“(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

“(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

“(D) provides assurance that a minor victim of sex trafficking shall not be required to col-
laborate with law enforcement to have access to residential care or services provided with a grant under this section.

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

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

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

“(ii) before the individual reached 18 years of age, was described in subparagraph (A); and

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

“(5) QUALIFIED NONGOVERNMENTAL ORGANIZATION.—The term ‘qualified nongovernmental organization’ means an organization that—

“(A) is not a State or unit of local government, or an agency of a State or unit of local government;

“(B) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless
youth), or employs staff specialized in the treatment of sex trafficking victims; and

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

“(6) Sex trafficking of a minor.—The term ‘sex trafficking of a minor’ means an offense described in section 1591(a) of title 18, United States Code, or a comparable State law, against a minor.

“(b) Sex trafficking block grants.—

“(1) Grants authorized.—

“(A) In general.—The Assistant Attorney General, in consultation with the Assistant Secretary, may make block grants to 4 eligible entities located in different regions of the United States to combat sex trafficking of minors.

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

“(C) Grant amount.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant made under this section shall be for an amount not less than $1,500,000 and not greater than $2,000,000.
“(D) DURATION.—

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

“(ii) RENEWAL.—

“(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for up to 3 1-year periods.

“(II) PRIORITY.—In making grants in any fiscal year after the first fiscal year in which grants are made under this section, the Assistant Attorney General shall give priority to an eligible entity that received a grant in the preceding fiscal year and is eligible for renewal under this subparagraph, taking into account any evaluation of the eligible entity conducted under paragraph (4), if available.

“(E) CONSULTATION.—In carrying out this section, the Assistant Attorney General shall consult with the Assistant Secretary with respect to—
“(i) evaluations of grant recipients under paragraph (4);”

“(ii) avoiding unintentional duplication of grants; and

“(iii) any other areas of shared concern.

“(2) USE OF FUNDS.—

“(A) ALLOCATION.—Not less than 67 percent of each grant made under paragraph (1) shall be used by the eligible entity to provide residential care and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations.

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

“(i) providing residential care to minor victims of sex trafficking, including temporary or long-term placement as appropriate;

“(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;
“(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

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

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

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

“(vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors and severe forms of trafficking in persons;

“(viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors;

“(ix) programs to provide treatment to individuals charged or cited with pur-
chasing or attempting to purchase sex acts
in cases where—

“(I) a treatment program can be
mandated as a condition of a sentence,
fine, suspended sentence, or probation,
or is an appropriate alternative to
criminal prosecution; and

“(II) the individual was not
charged with purchasing or attempting
to purchase sex acts with a minor; and

“(x) screening and referral of minor
victims of severe forms of trafficking in per-
sons.

“(3) APPLICATION.—

“(A) IN GENERAL.—Each eligible entity de-
siring a grant under this section shall submit an
application to the Assistant Attorney General at
such time, in such manner, and accompanied by
such information as the Assistant Attorney Gen-
eral may reasonably require.

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

“(i) describe the activities for which
assistance under this section is sought; and
“(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

“(4) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of each grant made under this section to determine the impact and effectiveness of programs funded with the grant.

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

“(d) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a grant under this section if, during the 5 fiscal years before the eligible entity submits an application for the grant, the eligible entity has been found to have violated the terms or conditions of a Govern-
ment grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

“(e) **ADMINISTRATIVE CAP.**—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

“(f) **AUDIT REQUIREMENT.**—For fiscal years 2014 and 2015, the Inspector General of the Department of Justice shall conduct an audit of all 4 eligible entities that receive block grants under this section.

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

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

“(2) 25 percent of the grant during the first renewal period;

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

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

“(h) **NO LIMITATION ON SECTION 204 GRANTS.**—An entity that applies for a grant under section 204 is not prohibited from also applying for a grant under this section.
“(i) Authorization of Appropriations.—There are authorized to be appropriated $8,000,000 to the Attorney General for each of the fiscal years 2012 through 2015 to carry out this section.

“(j) GAO Evaluation.—Not later than 30 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains—

“(1) an evaluation of the impact of this section in aiding minor victims of sex trafficking in the jurisdiction of the entity receiving the grant; and

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

(b) Sunset Provision.—The amendment made by subsection (a) shall be effective during the 4-year period beginning on the date of the enactment of this Act.

SEC. 232. EXPANDING LOCAL LAW ENFORCEMENT GRANTS FOR INVESTIGATIONS AND PROSECUTIONS OF TRAFFICKING.

Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended—

(1) in subsection (a)(1)—
(A) in subparagraph (A), by striking “,
which involve United States citizens, or aliens
admitted for permanent residence, and”;

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

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

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

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

(2) by redesignating subsection (d) as subsection
(e);

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

“(d) NO LIMITATION ON SECTION 202 GRANT APPLI-
CATIONS.—An entity that applies for a grant under section
202 is not prohibited from also applying for a grant under
this section.”;

(4) in subsection (e), as redesignated, 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 through 2015”; and

(5) by adding at the end the following:

“(f) GAO Evaluation and Report.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—

“(1) the ability of law enforcement personnel to identify victims of severe forms of trafficking in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and

“(2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).”.

SEC. 233. MODEL STATE CRIMINAL LAW PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking “and” at the end;
(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) protects children exploited through prostitution by including safe harbor provisions that—

“(A) treat an individual under 18 years of age who has been arrested for engaging in, or attempting to engage in, a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

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

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

“(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph;”.

(S 1301 RS)
TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. ADJUSTMENT OF AUTHORIZATION LEVELS FOR THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

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

(1) in section 112A(b)(4) (22 U.S.C. 7109a(b)(4))—

(A) by striking “$2,000,000” and inserting “$1,000,000”; and

(B) by striking “2008 through 2011” and inserting “2012 through 2015”; and

(2) in section 113 (22 U.S.C. 7110)—

(A) subsection (a)—

(i) by striking “$5,500,000 for each of the fiscal years 2008 through 2011” each place it appears and inserting “$2,000,000 for each of the fiscal years 2012 through 2015”;

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

(iii) by striking “, and $3,000 for official reception and representation expenses”;
(B) in subsection (b)—

(i) in paragraph (1), by striking "$12,500,000 for each of the fiscal years 2008 through 2011" and inserting "$14,500,000 for each of the fiscal years 2012 through 2015"; and

(ii) in paragraph (2), by striking "to the Secretary of Health and Human Services" and all that follows and inserting "$8,000,000 to the Secretary of Health and Human Services for each of the fiscal years 2012 through 2015.";

(C) in subsection (c)(1)—

(i) in subparagraph (A), by striking "2008 through 2011" each place it appears and inserting "2012 through 2015";

(ii) in subparagraph (B)—

(I) by striking "$15,000,000 for fiscal year 2003 and $10,000,000 for each of the fiscal years 2008 through 2011" and inserting "$10,000,000 for each of the fiscal years 2012 through 2015"; and
(II) by striking “2008 through 2011” and inserting “2012 through 2015”; and

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

(D) in subsection (d)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and moving such paragraphs 2 ems to the left;

(ii) in the paragraph (1), as redesignated, by striking “$10,000,000 for each of the fiscal years 2008 through 2011” and inserting “$11,000,000 for each of the fiscal years 2012 through 2015”; and

(iii) in paragraph (3), as redesignated, by striking “to the Attorney General” and all that follows and inserting “$11,000,000 to the Attorney General for each of the fiscal years 2012 through 2015.”;

(E) in subsection (e)—

(i) in paragraph (1), by striking “$15,000,000 for each of the fiscal years 2008 through 2011” and inserting
“$7,500,000 for each of the fiscal years 2012 through 2015”; and
(ii) in paragraph (2), by striking “$15,000,000 for each of the fiscal years 2008 through 2011” and inserting “$7,500,000 for each of the fiscal years 2012 through 2015”; (F) in subsection (f), by striking “$10,000,000 for each of the fiscal years 2008 through 2011” and inserting “$5,000,000 for each of the fiscal years 2012 through 2015”; and (G) in subsection (i), by striking “$18,000,000 for each of the fiscal years 2008 through 2011” and inserting “$10,000,000 for each of the fiscal years 2012 through 2015”.


The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—
(1) by striking section 102(b)(7); and
(2) in section 201(c)(2), by striking “$1,000,000 for each of the fiscal years 2008 through 2011” and inserting “$250,000 for each of the fiscal years 2012 through 2015”.

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TITLE IV—UNACCOMPANIED ALIEN CHILDREN

SEC. 401. APPROPRIATE CUSTODIAL SETTINGS FOR UNACCOMPANIED MINORS WHO REACH THE AGE OF MAJORITY WHILE IN FEDERAL CUSTODY.

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

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

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

and

(2) by adding at the end the following:

“(B) ALIENS TRANSFERRED FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEPARTMENT OF HOMELAND SECURITY CUSTODY.—

If a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien’s danger to self, danger to the community, and risk of flight. Such aliens shall be eligible to participate in alternative to
detention programs, utilizing a continuum of alternatives based on the alien’s need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home.”.

SEC. 402. APPOINTMENT OF CHILD ADVOCATES FOR UNACCOMPANIED MINORS.

Section 235(c)(6) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)) is amended—

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

“(A) IN GENERAL.—The Secretary”; and

(2) by striking “and criminal”; and

(3) by adding at the end the following:

“(B) APPOINTMENT OF CHILD ADVOCATES.—

“(i) INITIAL SITES.—Not later than 2 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary of Health and Human Services shall appoint child advocates at 3 new immigration detention sites to provide independent child advocates
for trafficking victims and vulnerable unaccompanied alien children.

“(ii) ADDITIONAL SITES.—Not later than 3 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary shall appoint child advocates at not more than 3 additional immigration detention sites.

“(iii) SELECTION OF SITES.—Sites at which child advocate programs will be established under this subparagraph shall be located at immigration detention sites at which more than 50 children are held in immigration custody, and shall be selected sequentially, with priority given to locations with—

“(I) the largest number of unaccompanied alien children; and

“(II) the most vulnerable populations of unaccompanied children.

“(C) RESTRICTIONS.—

“(i) ADMINISTRATIVE EXPENSES.—A child advocate program may not use more that 10 percent of the Federal funds received
under this section for administrative expenses.

“(ii) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of a child advocate program under this section to apply for or obtain funding from any other source to carry out the programs described in this section.

“(iii) CONTRIBUTION OF FUNDS.—A child advocate program selected under this section shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the child advocate program in an amount that is not less than 25 percent of the total amount of Federal funds received by the child advocate program under this section. In-kind contributions may not exceed 40 percent of the matching requirement under this clause.

“(D) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, and annually thereafter, the Secretary of Health and Human Services shall submit a report describing the activities under-
taken by the Secretary to authorize the appointment of independent Child Advocates for trafficking victims and vulnerable unaccompanied alien children to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(E) ASSESSMENT OF CHILD ADVOCATE PROGRAM.—

“(i) IN GENERAL.—As soon as practicable after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the Child Advocate Program operated by the Secretary of Health and Human Services.

“(ii) MATTERS TO BE STUDIED.—In the study required under clause (i), the Comptroller General shall—collect information and analyze the following:

“(I) analyze the effectiveness of existing child advocate programs in improving outcomes for trafficking victims and other vulnerable unaccompanied alien children;
“(II) evaluate the implementation of child advocate programs in new sites pursuant to subparagraph (B);

“(III) evaluate the extent to which eligible trafficking victims and other vulnerable unaccompanied children are receiving child advocate services and assess the possible budgetary implications of increased participation in the program;

“(IV) evaluate the barriers to improving outcomes for trafficking victims and other vulnerable unaccompanied children; and

“(V) make recommendations on statutory changes to improve the Child Advocate Program in relation to the matters analyzed under subclauses (I) through (IV).

“(iii) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit the results of the study required under this subparagraph to—
“(I) the Committee on the Judiciary of the Senate;

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

“(III) the Committee on the Judiciary of the House of Representatives; and

“(IV) the Committee on Education and the Workforce of the House of Representatives.

“(F) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary and Human Services to carry out this subsection—

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

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

SEC. 403. ACCESS TO FEDERAL FOSTER CARE AND UNACCOMPANIED REFUGEE MINOR PROTECTIONS FOR CERTAIN U VISA RECIPIENTS.

Section 235(d)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(d)(4)) is amended—
(1) in subparagraph (A),

(A) by striking “either”;

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

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


SEC. 404. GAO STUDY OF THE EFFECTIVENESS OF BORDER SCREENINGS.

(a) STUDY.—

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

(2) STUDY.—In carrying out paragraph (1), the Comptroller General shall take into account—
(A) the degree to which Department of Homeland Security personnel are adequately ensuring that—

(i) all children are being screened to determine whether they are described in section 235(a)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act;

(ii) appropriate and reliable determinations are being made about whether children are described in section 235(a)(2)(A) of such Act, including determinations of the age of such children;

(iii) children are repatriated in an appropriate manner, consistent with clauses (i) through (iii) of section 235(a)(2)(C) of such Act;

(iv) children are appropriately being permitted to withdraw their applications for admission, in accordance with section 235(a)(2)(B)(i) of such Act;

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

(vi) children are being transferred to the custody of the Secretary of Health and Human Services in a manner that is consistent with such Act; and

(B) the number of such children that have been transferred to the custody of the Department of Health and Human Services, the Federal funds expended to maintain custody of such children, and the Federal benefits available to such children, if any.

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

(A) IN GENERAL.—Except as provided in subparagraph (B), for the purposes of conducting the study described in subsection (a), the Secretary shall provide the Comptroller General with unrestricted access to all stages of screenings and other interactions between Department of Homeland Security personnel and children encountered by the Comptroller General.

(B) EXCEPTIONS.—The Secretary shall not permit unrestricted access under subparagraph (A) if the Secretary determines that the security
of a particular interaction would be threatened by such access.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of the commencement of the study described in subsection (a), the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the Commission’s findings and recommendations.
A BILL

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

October 13, 2011
Reported with an amendment