

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION
 ACT OF 2005

DECEMBER 8, 2005.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
 submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 972]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 972) to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2005”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance.
Sec. 102. Protection of victims of trafficking in persons.
Sec. 103. Enhancing prosecutions of trafficking in persons offenses.
Sec. 104. Enhancing United States efforts to combat trafficking in persons.
Sec. 105. Additional activities to monitor and combat forced labor and child labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
Sec. 202. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.
Sec. 203. Protection of juvenile victims of trafficking in persons.
Sec. 204. Enhancing State and local efforts to combat trafficking in persons.
Sec. 205. Report to Congress.
Sec. 206. Senior Policy Operating Group.
Sec. 207. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193).

(2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

(3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

(4) Trafficking in persons also occurs within the borders of a country, including the United States.

(5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Runaway Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.

(7) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

(8) There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there is a need for further integrated programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protec-

tion and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

(9) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

(10) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the credibility and mission of United States Government programs in post-conflict regions.

(11) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

TITLE I—COMBATting INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.

(a) AMENDMENT.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

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

(b) STUDY AND REPORT.—

(1) STUDY.—

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

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

(i) the vulnerabilities to human trafficking of commonly affected populations, particularly women and children, generated by post-conflict and humanitarian emergencies;

(ii) the various forms of trafficking in persons, both internal and trans-border, including both sexual and labor exploitation;

(iii) a collection of best practices implemented to date to combat human trafficking in such areas; and

(iv) proposed recommendations to better combat trafficking in persons in conjunction with post-conflict reconstruction and humanitarian emergencies assistance.

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

SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.

(a) ACCESS TO INFORMATION.—Section 107(c)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(2)) is amended by adding at the end the following new sentence: “To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.”.

(b) ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

(B) FACTORS.—In carrying out the study under subparagraph (A), the Administrator shall—

(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the appropriate size of such facilities, services to be provided, length of stay, and cost; and

(ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.

(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

(4) SELECTION OF SITES.—The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).

(5) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to victims of trafficking.

(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection \$2,500,000 for each of the fiscal years 2006 and 2007.

SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING IN PERSONS OFFENSES.

(a) EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 212 the following new chapter:

“CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES

“Sec.
“3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.
“3272. Definitions.

“§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States

“(a) Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

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

“§ 3272. Definitions

“As used in this chapter:

“(1) The term ‘employed by the Federal Government outside the United States’ means—

“(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

“(B) present or residing outside the United States in connection with such employment; and

“(C) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying the Federal Government outside the United States’ means—

“(A) a dependant of—

“(i) a civilian employee of the Federal Government; or

“(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

“(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of such part is amended by inserting after the item relating to chapter 212 the following new item:

“212A. Extraterritorial jurisdiction over certain trafficking in persons offenses 3271”.

(b) LAUNDERING OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking “or” at the end;

(2) in clause (vi), by adding “or” at the end; and

(3) by adding at the end the following new clause:

“(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;”.

(c) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(B) of title 18, United States Code, is amended by striking “1581–1591” and inserting “1581–1592”.

(d) CIVIL AND CRIMINAL FORFEITURES.—

(1) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 2428. Forfeitures

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

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

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

“(b) PROPERTY SUBJECT TO FORFEITURE.—

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

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

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

“(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2428. Forfeitures.”.

SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) **APPOINTMENT TO INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.**—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended—

(1) by striking “the Director of Central Intelligence” and inserting “the Director of National Intelligence”; and

(2) by inserting “, the Secretary of Defense, the Secretary of Homeland Security” after “the Director of National Intelligence” (as added by paragraph (1)).

(b) **MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**—

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

(A) in paragraph (3), by adding at the end before the period the following: “, measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards”; and

(B) in the first sentence of paragraph (7), by striking “persons,” and inserting “persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking.”

(2) **EFFECTIVE DATE.**—The amendments made by subparagraphs (A) and (B) of paragraph (1) take effect beginning two years after the date of the enactment of this Act.

(c) **RESEARCH.**—

(1) **AMENDMENTS.**—Section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended—

(A) in the first sentence of the matter preceding paragraph (1)—

(i) by striking “The President” and inserting “(a) **IN GENERAL.**—The President”; and

(ii) by striking “the Director of Central Intelligence” and inserting “the Director of National Intelligence”;

(B) in paragraph (3), by adding at the end before the period the following: “, particularly HIV/AIDS”;

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

“(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

“(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.

“(6) The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.”; and

(D) by further adding at the end the following new subsections:

“(b) **ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.**—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)).

“(c) **DEFINITIONS.**—In this section:

“(1) **AIDS.**—The term ‘AIDS’ means the acquired immune deficiency syndrome.

“(2) **HIV.**—The term ‘HIV’ means the human immunodeficiency virus, the pathogen that causes AIDS.

“(3) **HIV/AIDS.**—The term ‘HIV/AIDS’ means, with respect to an individual, an individual who is infected with HIV or living with AIDS.”.

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) shall submit to the appropriate congressional committees a report on the results of the research initiatives carried out pursuant to section 112A(4) of the Trafficking Victims Protection Act of 2000 (as added by paragraph (1)(C) of this subsection).

(B) **DEFINITION.**—In this paragraph, the term “appropriate congressional committees” means—

- (i) the Committee on International Relations and the Committee on the Judiciary of the House of Representatives; and
 - (ii) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.
- (d) FOREIGN SERVICE OFFICER TRAINING.—Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—
- (1) in the matter preceding paragraph (1), by inserting “, the Director of the Office to Monitor and Combat Trafficking,” after “the International Religious Freedom Act of 1998”;
 - (2) in paragraph (1), by striking “and” at the end;
 - (3) in paragraph (2), by striking the period at the end and inserting “, and”;
 - and
 - (4) by adding at the end the following:
 - “(3) instruction on international documents and United States policy on trafficking in persons, including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.”.
- (e) PREVENTION OF TRAFFICKING BY PEACEKEEPERS.—
- (1) INCLUSION IN TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—
 - (A) in subparagraph (B), by striking “and” at the end;
 - (B) in subparagraph (C), by striking the period at the end and inserting “, and”;
 - and
 - (C) by adding at the end the following new subparagraph:
 - “(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization’s employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking.”.
 - (2) REPORT BY SECRETARY OF STATE.—At least 15 days prior to voting for a new or reauthorized peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in an emergency, as far in advance as is practicable), the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a report that contains—
 - (A) a description of measures taken by the organization to prevent the organization’s employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation or abuse, and the measures in place to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and
 - (B) an analysis of the effectiveness of each of the measures referred to in subparagraph (A).
- SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.**
- (a) ACTIVITIES OF THE DEPARTMENT OF STATE.—
 - (1) FINDING.—Congress finds that in the report submitted to Congress by the Secretary of State in June 2005 pursuant to section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the list of countries whose governments do not comply with the minimum standards for the elimination of trafficking and are not making significant efforts to bring themselves into compliance was composed of a large number of countries in which the trafficking involved forced labor, including the trafficking of women into domestic servitude.
 - (2) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Office to Monitor and Combat Trafficking of the Department of State should intensify the focus of the Office on forced labor in the countries described in paragraph (1) and other countries in which forced labor continues to be a serious human rights concern.
 - (b) ACTIVITIES OF THE DEPARTMENT OF LABOR.—
 - (1) IN GENERAL.—The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in paragraph (2).
 - (2) ADDITIONAL ACTIVITIES DESCRIBED.—The additional activities referred to in paragraph (1) are—

(A) to monitor the use of forced labor and child labor in violation of international standards;

(B) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

(C) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards;

(D) to work with persons who are involved in the production of goods on the list described in subparagraph (C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and

(E) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.

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

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

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

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

(i) The first study shall address severe forms of trafficking in persons in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and

(II) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in acts of severe forms of trafficking in persons by States and their political subdivisions.

(ii) The second study shall address sex trafficking and unlawful commercial sex acts in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in sex trafficking and commercial sex acts, including purchasers of commercial sex acts;

(II) the estimated value in dollars of the commercial sex economy, including the estimated average annual personal income derived from acts of sex trafficking;

(III) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts, including purchasers of commercial sex acts, by States and their political subdivisions; and

(IV) a description of the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States.

(2) TRAFFICKING CONFERENCE.—

(A) IN GENERAL.—The Attorney General, in consultation and cooperation with the Secretary of Health and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the

territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall—

(i) announce and evaluate the findings contained in the research and statistical reviews carried out under paragraph (1);

(ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws;

(iii) disseminate best methods and practices for training State and local law enforcement personnel on the enforcement of laws prohibiting sex trafficking and commercial sex acts, including, but not limited to, best methods for investigating and prosecuting exploiters and persons who solicit or purchase an unlawful commercial sex act; and

(iv) disseminate best methods and practices for training State and local law enforcement personnel on collaborating with social service providers and relevant nongovernmental organizations and establishing trust of persons subjected to commercial sex acts or severe forms of trafficking in persons.

(B) PARTICIPATION.—Each annual conference conducted under this paragraph shall involve the participation of persons with expertise or professional responsibilities with relevance to trafficking in persons, including, but not limited to—

(i) Federal government officials, including law enforcement and prosecutorial officials;

(ii) State and local government officials, including law enforcement and prosecutorial officials;

(iii) persons who have been subjected to severe forms of trafficking in persons or commercial sex acts;

(iv) medical personnel;

(v) social service providers and relevant nongovernmental organizations; and

(vi) academic experts.

(C) REPORTS.—The Attorney General and the Secretary of Health and Human Services shall prepare and post on the respective Internet Web sites of the Department of Justice and the Department of Health and Human Services reports on the findings and best practices identified and disseminated at the conference described in this paragraph.

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by striking “COOPERATIVE AGREEMENTS.—” and all that follows through “The President shall” and inserting “COOPERATIVE AGREEMENTS.—The President shall”;

(2) by striking “described in paragraph (2)”; and

(3) by striking paragraph (2).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(i) and \$2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(ii); and

(2) \$1,000,000 for each of the fiscal years 2006 through 2007 to carry out the activities described in subsection (a)(2).

SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.

(a) GRANT PROGRAM.—The Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to establish, develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(b) SELECTION FACTOR.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation as a part of their proposed project.

(c) **LIMITATION ON FEDERAL SHARE.**—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in this section.

SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.

(a) **ESTABLISHMENT OF PILOT PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

(b) **PURPOSES.**—The purposes of the pilot program established pursuant to subsection (a) are to—

(1) provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(2) assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

(c) **SELECTION OF SITES.**—The Secretary of Health and Human Services shall select three sites at which to operate the pilot program established pursuant to subsection (a).

(d) **FORM OF ASSISTANCE.**—In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations that—

(1) have relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation; or

(2) have entered into partnerships with organizations that have expertise as described in paragraph (1) for the purpose of implementing the contracts or grants.

(e) **REPORT.**—Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) **DEFINITION.**—In this section, the term “juvenile subjected to trafficking” means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section \$5,000,000 for each of the fiscal years 2006 and 2007.

SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) **ESTABLISHMENT OF GRANT PROGRAM FOR LAW ENFORCEMENT.**—

(1) **IN GENERAL.**—The Attorney General may make grants to States and local law enforcement agencies to establish, develop, expand, or strengthen programs—

(A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses, which involve United States citizens, or aliens admitted for permanent residence, and that occur, in whole or in part, within the territorial jurisdiction of the United States;

(B) to investigate and prosecute persons who engage in the purchase of commercial sex acts;

(C) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts; and

(D) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts.

(2) **DEFINITION.**—In this subsection, the term “related offenses” includes violations of tax laws, transacting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.

(b) **MULTI-DISCIPLINARY APPROACH REQUIRED.**—Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental or-

ganizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) **LIMITATION ON FEDERAL SHARE.**—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General to carry out this section \$25,000,000 for each of the fiscal years 2006 and 2007.

SEC. 205. REPORT TO CONGRESS.

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

- (1) in subparagraph (F), by striking “and” at the end;
- (2) by redesignating subparagraph (G) as subparagraph (H); and
- (3) by inserting after subparagraph (F) the following new subparagraph:

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

SEC. 206. SENIOR POLICY OPERATING GROUP.

Each Federal department or agency involved in grant activities related to combating trafficking or providing services to persons subjected to trafficking inside the United States shall, as the department or agency determines appropriate, apprise the Senior Policy Operating Group established by section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

SEC. 207. DEFINITIONS.

In this title:

- (1) **SEVERE FORMS OF TRAFFICKING IN PERSONS.**—The term “severe forms of trafficking in persons” has the meaning given the term in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).
- (2) **SEX TRAFFICKING.**—The term “sex trafficking” has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).
- (3) **COMMERCIAL SEX ACT.**—The term “commercial sex act” has the meaning given the term in section 103(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(3)).

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

- (1) in subsection (a)—
 - (A) by striking “and \$5,000,000” and inserting “\$5,000,000”;
 - (B) by adding at the end before the period the following: “, and \$5,500,000 for each of the fiscal years 2006 and 2007”; and
 - (C) by further adding at the end the following new sentence: “In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official reception and representation expenses \$3,000 for each of the fiscal years 2006 and 2007.”;
- (2) in subsection (b), by striking “2004 and 2005” and inserting “2004, 2005, 2006, and 2007”;
- (3) in subsection (c)(1), by striking “2004 and 2005” each place it appears and inserting “2004, 2005, 2006, and 2007”;
- (4) in subsection (d), by striking “2004 and 2005” each place it appears and inserting “2004, 2005, 2006, and 2007”;
- (5) in subsection (e)—
 - (A) in paragraphs (1) and (2), by striking “2003 through 2005” and inserting “2003 through 2007”; and
 - (B) in paragraph (3), by striking “\$300,000 for fiscal year 2004 and \$300,000 for fiscal year 2005” and inserting “\$300,000 for each of the fiscal years 2004 through 2007”;
- (6) in subsection (f), by striking “2004 and 2005” and inserting “2004, 2005, 2006, and 2007”; and

(7) by adding at the end the following new subsections:

“(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation \$15,000,000 for fiscal year 2006, to remain available until expended, to investigate severe forms of trafficking in persons.

“(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary of Homeland Security, \$18,000,000 for each of the fiscal years 2006 and 2007, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.”.

PURPOSE AND SUMMARY

H.R. 972, the “Trafficking Victims Protection Reauthorization Act of 2005,” amends and reauthorizes appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000. The bill strengthens the United States government’s ability to combat trafficking in persons by enhancing criminal penalties for human trafficking, protects of victims of trafficking, and ensuring the more effective prosecution of traffickers by bringing particular attention to the problem of internal trafficking of United States citizens and nationals within the territory of the United States.

This legislation includes improves United States efforts to combat trafficking internationally, establishes new crimes for trafficking offenses committed by certain United States persons, and launches new initiatives to assist the victims of trafficking in the United States. The bill creates criminal jurisdiction in United States courts over Federal trafficking in persons offenses committed by Federal employees and contractors while outside the United States, and classifies the trafficking in persons offenses as actionable under Federal money laundering, racketeering, and civil and criminal forfeiture statutes. The legislation also: establishes a grant program to improve victim service programs for United States citizens and nationals victimized by trafficking and a pilot program for residential care for juvenile trafficking victims; establishes a grant program to improve State and local responses to certain trafficking cases that involve United States citizens, or persons admitted for permanent residence; and authorizes appropriations for fiscal years 2006 and 2007 for the FBI and DHS for trafficking investigations.

In addition to H.R. 972, another more narrowly tailored bill addressing sex trafficking in the United States, H.R. 2012, the “End Demand for Sex Trafficking Act of 2005,” was introduced and referred to the Committee on Judiciary. A number of Members of the Judiciary Committee are cosponsors of one or both of these bills. H.R. 2012 provides grants to State and local governments to combat commercial sex trafficking. H.R. 2012 is intended to encourage the prosecution of purchasers of commercial sex act and individuals who exploit others in the commercial sex trade. Additionally, the legislation requires the Attorney General to evaluate the efficiency of the grants and provide statistics on the effectiveness of certain approaches in an effort to establish the best practices for reducing the demand for sex trafficking.

As the two bills create grant programs that address similar problems, both measures were incorporated into one legislative vehicle. An amendment offered by Chairman Sensenbrenner was adopted to replace the language of title II of this legislation with provisions that will satisfy the purpose of the studies and grant programs of

both H.R. 972 and H.R. 2012. The grant programs will assist persons who are trafficked and provide grants for law enforcement to combat trafficking within the United States.

BACKGROUND AND NEED FOR LEGISLATION

The Trafficking Victims Protection Act (TVPA), Pub. L. No. 106–386, was enacted in October 2000 to combat trafficking in persons; ensure the prosecution of traffickers of children, women and men; and to better protect the victims of trafficking. The TVPA was amended and funding reauthorized in the Foreign Relations Authorization Act, Fiscal Year 2003, Pub. L. No. 107–228. The TVPA was further amended and funding reauthorized for fiscal years 2004 and 2005 through the Trafficking Victims Protection Reauthorization Act of 2003, P.L. 108–193, signed into law on December 19, 2003.

Each year, an estimated 800,000 to 900,000 human beings are bought, sold or forcefully moved across the world’s borders. The United States government estimates that 18,000 to 20,000 people are trafficked annually into the United States. The United States is primarily a destination country—meaning that people from other countries are trafficked into the United States. Among them are a troubling number of teenage girls who fall victim to the sex trade. This issue can only be remedied by a coordinated Federal response to fighting human trafficking. President Bush has made it clear that ending demand for trafficking is a critical component of this effort. The President has stated, “we cannot put [human traffickers] out of business until and unless we deal with the problem of demand.”

The provisions of H.R. 2012, as well as the language of the amendment proposed, are endorsed by a number of groups dedicated to reducing the demand for commercial sex acts as a way to combat trafficking including: AEGIS Foundation; Basic Ministries International of Midland, TX; Breaking Free; Coalition Against Trafficking in Women; Concerned Women for America; Dignity House; End Child Prostitution; Child Pornography and Trafficking of Children for Sexual Purposes-USA, Inc.; Equality Now; Faces of Children; Hudson Institute; Institute on Religion and Democracy; Institute on Religion and Public Policy; Leadership Council for Human Rights; National Association of Evangelicals; Religious Freedom Coalition; Salvation Army; Shared Hope International; Southern Baptist Convention; Standing Against Global Exploitation (SAGE); Survivor Services and Education Network; Union of Orthodox Jewish Congregations of America; VERONICA’S Voice; and World Vision.

HEARINGS

The House Committee on the Judiciary held no hearings on H.R. 972.

COMMITTEE CONSIDERATION

On February 17, 2005, the House Committee on the Judiciary received a sequential referral of H.R. 972. The Committee on International Relations ordered favorably reported the bill H.R. 972, as amended, by voice vote, a quorum being present on October 7,

2005. The Committee on the Judiciary ordered favorably reported the bill H.R. 972, as amended, by voice vote, a quorum being present on December 8, 2005.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee consideration of H.R. 972.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 972, the following estimate and comparison prepared by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 8, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director.*

Enclosure.

H.R. 972—Trafficking Victims Protection Reauthorization Act of 2005

Summary: H.R. 972 would reauthorize several programs within the Departments of State, Labor, Justice, and Health and Human Services, and within other agencies that combat trafficking in persons. The bill would authorize the appropriation of \$188 million in 2006 and \$173 million in 2007. In total, CBO estimates that implementing the bill would cost \$68 million in 2006 and \$342 million over the 2006–2010 period, assuming appropriation of the author-

ized amounts. (A portion of the authorized funding would be spent after 2010.) The bill also contains provisions that would affect direct spending and revenues, but CBO estimates these provisions would not have a significant effect.

H.R. 972 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA); however, CBO estimates that the cost of the mandate would not be significant and would be well below the threshold established in that act (\$62 million in 2005, adjusted for inflation). Other provisions of the bill would provide grant assistance to state, local, and tribal governments for programs benefitting victims of trafficking crimes. This bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 972 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs), 500 (education, training, employment, and social services), 550 (health), and 750 (administration of justice).

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ^{1, 2}					
Overseas Assistance:					
Authorization Level	63	63	0	0	0
Estimated Outlays	9	34	37	22	10
Department of Justice:					
Authorization Level	79	64	0	0	0
Estimated Outlays	41	46	24	16	11
Department of Health and Human Services:					
Authorization Level	30	30	0	0	0
Estimated Outlays	7	22	21	8	2
Department of Labor:					
Authorization Level	10	10	0	0	0
Estimated Outlays	7	9	3	1	*
Department of State:					
Authorization Level	6	6	0	0	0
Estimated Outlays	4	5	1	*	*
Total:					
Authorization Level	188	173	0	0	0
Estimated Outlays	68	116	87	48	24

¹ In addition to effects on spending subject to appropriation, CBO estimates enacting H.R. 972 would have an insignificant effect on direct spending and receipts.

² Five-year costs in text and totals in the table differ slightly from a summation of the annual costs shown here because of rounding.

Note: * = less than \$500,000.

Basis of estimate:

Spending subject to appropriation

For purposes of this estimate, CBO assumes that this legislation will be enacted early in calendar year 2006, that the specified and estimated authorization amounts will be appropriated near the start of each fiscal year, and that outlays will follow historical spending patterns for existing and similar programs. The bill would authorize the appropriation of \$188 million in 2006 and \$173 million in 2007. In total, CBO estimates that implementing this legislation would cost \$68 million in 2006 and \$342 million over the 2006–2010 period, assuming appropriation of the necessary amounts.

Overseas Assistance. The bill would authorize the appropriation of \$30 million a year for 2006 and 2007 to the Secretary of State and \$30 million a year to the President in those same years for

programs to prevent trafficking in persons, to protect victims of trafficking, and to assist foreign states in meeting minimum standards for the elimination of trafficking. In addition, the bill would authorize \$300,000 a year in 2006 and 2007 for research on domestic and international trafficking in persons. Finally, the bill would authorize the appropriation of \$2.5 million a year for 2006 and 2007 to the U.S. Agency for International Development to establish residential treatment facilities in foreign countries that would treat the victims of trafficking. CBO estimates that implementing these provisions would cost \$9 million in 2006 and \$113 million over the 2006–2010 period, assuming appropriation of the necessary amounts.

Department of Justice. H.R. 972 would authorize the appropriation of:

- \$25 million a year for fiscal years 2006 and 2007 for the Attorney General to make grants to state and local governments to combat trafficking in persons and commercial sex acts;
- \$15 million a year for fiscal years 2006 and 2007 for the Attorney General to make grants to states, localities, and non-profit organizations to establish or expand service programs for victims of trafficking;
- \$15 million for fiscal year 2006 for the Federal Bureau of Investigation to investigate severe forms of trafficking in persons;
- \$18 million a year for fiscal years 2006 and 2007 for the Bureau of Immigration and Customs Enforcement in the Department of Homeland Security to investigate severe forms of trafficking in persons;
- \$6 million a year for fiscal years 2006 and 2007 for the Attorney General to carry out studies and hold conferences on trafficking of persons and commercial sex acts in the United States; and
- \$250,000 a year for fiscal years 2006 and 2007 for the Attorney General and the Secretary of State to train law enforcement officers, prosecutors, and judges and their staff with respect to cases involving trafficking in persons.

Department of Health and Human Services. H.R. 972 would authorize the appropriation of \$25 million a year for fiscal years 2006 and 2007 to the Department of Health and Human Services for the purpose of identifying victims of trafficking. In addition, section 203 would authorize the appropriation of \$5 million a year for fiscal years 2006 and 2007 to carry out a pilot program to establish residential treatment facilities for juvenile victims of trafficking.

Department of Labor. H.R. 972 would authorize the appropriation of \$10 million a year for fiscal years 2006 and 2007 to the Department of Labor to carry out responsibilities under the Trafficking Victims Protection Act, including additional activities to monitor and combat forced labor and child labor in foreign countries.

Department of State. The bill would authorize the appropriation of \$5.5 million a year for fiscal years 2006 and 2007 for the Interagency Task Force to coordinate the implementation of the Trafficking Victims Protection Act.

Direct spending and revenues

Criminal Fines and Seizure of Assets. Section 103 would establish a new federal crime for trafficking in persons committed by individuals employed by the federal government or accompanying federal employees when outside of the United States. Thus, the government could pursue new cases related to trafficking. Because those prosecuted and convicted under H.R. 972 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as revenues, which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant.

Persons prosecuted and convicted under the bill also could be subject to the seizure of certain assets by the federal government. Proceeds from the sale of such assets would be deposited into the Assets Forfeiture Fund and spent from that fund, mostly in the same year. Thus, enacting H.R. 972 could increase both revenues deposited into the fund and direct spending from the fund. However, CBO estimates that any increased revenues or spending would be negligible.

Intergovernmental and private-sector impact: H.R. 972 contains an intergovernmental mandate as defined in UMRA because it would require courts to order the property of convicted traffickers be forfeited to the federal government. This provision would preempt state laws and could result in the loss of forfeited properties for those governments. Because the number of trafficking cases prosecuted under state law is small, however, CBO estimates any such loss to state governments would not be significant and would be well below the threshold established in that act (\$62 million in 2005, adjusted for inflation). This bill contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On October 19, 2005, CBO transmitted a cost estimate for H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005, as ordered reported by the House Committee on International Relations on October 7, 2005. The two versions of the bill and their estimated costs are similar. The version of H.R. 972 approved by the House Committee on International Relations would specifically authorize the appropriation of \$147 million in 2006 and \$132 million in 2007. In addition, CBO estimated that the Department of Justice would need \$15 million in additional appropriations annually to implement a new grant program under that version of the bill. In contrast, the Judiciary Committee's version of the bill would authorize the appropriation of \$188 million in 2006 and \$173 million in 2007.

Estimate prepared by: Federal Costs: Overseas Assistance: Sam Papenfuss; Department of Justice: Mark Grabowicz; Department of Health and Human Services: Matthew Kapuscinski; Department of Labor: Christina Hawley Sadoti; Department of State: Sunita D'Monte.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 972 will help law enforcement combat severe forms of trafficking and sex trafficking in the United States.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in art. I, section 8, cl. 3 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The following section-by-section analysis describes the bill as reported by the Committee on the Judiciary.

Section 1. Short title

This section states that this act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2005.”

Section 2. Findings

This section states the Congress’ findings that the demonstrated leadership of the United States in combatting human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Pub. L. No. 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Pub. L. No. 108–193). The current United States government estimate of people trafficked across international borders each year and exploited through forced labor and commercial sex exploitation is 600,000 to 800,000; an estimated 80 percent of these individuals are women and girls. The Committee notes that as a result of refined data collection processes and statistical analysis, the United States government currently estimates that the number of individuals (men, women and children) trafficked into the United States each year to be 14,500–17,500, individuals compared to the “approximately 50,000 women and children” cited in the Trafficking Victims Protection Act of 2000.

The findings state that since enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States, but trafficking in persons also occurs within countries. The Committee notes with concern that the law enforcement data, media reports and other evidence support the conclusion that a significant problem exists in the United States with internal (also referred to as domestic) trafficking, particularly involving children exploited in prostitution. The findings also state that no known studies exist that quantify this problem. However, researchers at the University of Pennsylvania estimated in 2001, that as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time. This section finds that runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. One source estimates that between 1.3 million and 2.8 million runaway and homeless

youth live on the streets in the United States, and one out of every seven children will run away from home before the age of 18. The dearth of published facts and figures about the numbers and lives of sexually exploited youth highlights the hidden nature of commercial sexual exploitation of children in the United States and emphasizes the need for law enforcement and social service organizations to seek systematic and verifiable information.

Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies. There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there remains a need for further programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense, among others, to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions. The involvement of Federal government employees or contractors, including members of the Armed Forces, in trafficking in persons is inconsistent with United States laws and policies and undermines the efforts of government programs in post-conflict regions. Further measures are needed to deter such actions and ensure that personnel are held accountable for involvement with acts of trafficking.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Section 102. Protection of victims of trafficking in persons

This section amends section 107(c)(2) of the TVPA by requiring that to the extent practicable, victims of severe forms of trafficking shall have access to information about Federally funded or administered anti-trafficking programs that provide services to such victims. The Committee is concerned by reports from victim advocates, including organizations funded by the Federal government, that Federal law enforcement officials in some instances failed to share with victims of severe forms of trafficking information about victim-service programs that can assist them with shelter, food, medical care, legal assistance and other needs, or to inform them about the possibility of applying for benefits via the Department of Health and Human Services or for a T-visa. Information should be made available to every victim of a severe form of trafficking in the United States who meets the criteria established by the TVPA, as amended, for receipt of benefits or issuance of a T-visa about his

or her eligibility for both such benefits and such visa while in contact with Federal law enforcement authorities.

Section 103. Enhancing prosecutions of trafficking offenses

Subsection (a) provides United States courts with jurisdiction over Federal government employees or contractors, and those accompanying them, for the prosecution of Federal trafficking offenses that are committed outside the United States. This jurisdiction already exists under the Military Extraterritorial Jurisdiction Act of 2000, as amended by the Defense Authorization Act of 2004, for Department of Defense contractors and other Federal contractors operating abroad in support of a Department of Defense mission, but does not currently extend to non-Department of Defense-related contractors. The Committee has long been concerned about the involvement of Federal contractors in human trafficking and other misconduct. At an April 2002 hearing, the Committee received testimony regarding the involvement of some employees or agents of a Federal contractor operating in Bosnia-Herzegovina in prostitution, human trafficking, and sexual misconduct. Both Department of Defense and non-Department of Defense contractors were involved, however, under United States law at that time, only Department of Defense contractors could be prosecuted in United States courts. It is the view of the Committee that contractors, and their employees and agents, must be held to the same standards of conduct required under United States laws while under United States government contracts abroad. This requirement is more clear when such contractors are operating in areas where they are unlikely to be held accountable under local laws.

Subsection (b) amends title 18 of the United States Code to allow trafficking offenses to be considered “specified unlawful activity” for which prosecutions may be brought using the money laundering statutes. Subsection (c) amends title 18 of the United States Code to expand the list of trafficking offenses that may be considered as offenses for which may be prosecuted using the powers of the Racketeering Influenced and Corrupt Organizations Act (RICO). Subsection (d) amends title 18 of the United States Code to allow the Federal government to use criminal and civil forfeiture laws to seize the proceeds and the property connected with or derived from the commission of trafficking offenses.

Section 201. Preventing domestic trafficking in persons

The United States not only faces an influx of international victims of sex and labor trafficking, but also has a problem of internal trafficking (also referred to as domestic trafficking), particularly of minors, for the purpose of commercial sexual exploitation. According to a report issued in 2001 by researchers at the University of Pennsylvania, the majority of American victims of commercial sexual exploitation tend to be runaway or “thrown away” youth who live on the streets having come from homes where they have been abused, or from families that have abandoned them, and often become involved in prostitution as a way to support themselves financially. Among youth living on the streets in the United States, involvement in commercial sex activity is a problem of epidemic proportion. The average age at which girls first become victims of

prostitution is 12–14; for boys the average age of entry into prostitution is 11–13.

The Committee notes that there are no precise statistics on the numbers of United States citizens or permanent residents who have been victimized through trafficking, however, as documented by the National Center for Missing and Exploited Children, the National Runaway Switchboard, and researchers at the University of Pennsylvania, among others, runaway and homeless children are highly susceptible to commercial sexual exploitation. An estimated 1.3 million to 2.8 million runaway and homeless youth live on United States streets. The Committee is concerned about United States persons who become subjects of trafficking for commercial sexual exploitation and encourages the law enforcement community at the State and local levels to focus efforts on prosecuting individuals who exploit others through prostitution and trafficking. New strategies and attention are needed to prevent the victimization of United States persons through domestic trafficking.

Subsection (a) requires the Attorney General to perform a study and issue a report to Congress on the prevalence of severe forms of trafficking and sex trafficking in the United States and to recommend an approach to combatting these crimes by law enforcement. It is the Committee's intention that the study described in this section that addresses "sex trafficking and unlawful commercial sex acts in the United States," include data on commercial sex acts that are not unlawful in those areas of the country where prostitution and/or the purchase and sale of sex acts is legal, including two counties in Nevada. However, the term "commercial sex act" as defined by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), a definition adopted by this Act, may be read to include transactions relating to sex acts performed in the production of pornographic material that are not illegal in many areas of the country. The Committee does not intend for this study to include data on transactions made exclusively for the legal production of pornographic material. The Committee further notes, however, that it may be the case that unlawful commercial sex acts and, by definition, acts of sex trafficking occur with frequency in the context of the otherwise legal production of pornographic material. The study should not ignore this possibility and should include data arising in the context of the production of pornographic material to the extent that such data reflects acts of sex trafficking or unlawful commercial sex acts as dictated by the terms of the statute.

The second part of this section authorizes a conference to present the findings and develop strategies to train law enforcement in best practices for combatting severe forms of trafficking in persons and reducing the demand for commercial sex acts, which fuels the demand for trafficking into prostitution. This section also requires the Secretary of Health and Human Services and the Attorney General to prepare reports on best practices for reducing the demand for commercial sex acts, which feeds the demand for trafficking into prostitution. The reports shall be posted on the websites of the Department of Health and Human Services (HHS) and the Department of Justice, respectively. The Committee does not require that the agencies conduct a joint study or issue a joint report. Following completion of each report, the Department of Health and Human

Services and the Department of Justice shall establish and carry out programs to implement these practices.

Section 202. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking

This section establishes a grants program administered by HHS to support victim service providers by establishing a grant program to assist persons who are the subject of sex trafficking or severe forms of trafficking within the United States. The Committee notes that, as a result of the TVPA, foreign victims of severe forms of trafficking in the United States are legally required to be treated as victims, rather than as criminals. The same should be true for American citizens. Nonetheless, a nongovernmental organization advocating for exploited children issued a report in 2005 concluding, in relevant part, that “the implementation of the TVPA to date, both in terms of services and prosecutions, has assisted girls from abroad while ignoring girls in similar situations from the United States.” In consultation with the committee of jurisdiction, it is the committees’ intention that a grants program be established pursuant to this provision which will improve the provision of services to United States persons who are subjected to sex trafficking or a severe form of trafficking, as those terms are defined in this Act.

Eligible grantees under this section are States, Indian tribes, units of local governments, and nongovernmental victims’ service organizations (NGOs). The Committee intends eligible NGOs to include faith-based organizations.

Section 203. Protection of juvenile victims of trafficking in persons

This section requires the Department of Health and Human Services to establish a pilot program to create long-term residential treatment facilities for United States citizens and permanent residents who are subjected to trafficking and are under the age of 18 at the time they are identified as victims of trafficking. Appropriations of \$5 million per year for each of fiscal years 2006 and 2007 are authorized. The Committee has learned from both governmental and nongovernmental sources who work with trafficked children in the United States that a lack of housing options for such children is a debilitating impediment to providing effective rehabilitative and restorative help to escape commercial sexual exploitation. This section responds to that need. It is the Committee’s intention that the pilot program be undertaken with a view to extending and expanding the provision of long-term residential treatment facilities in light of the outcomes of the program. The Committee encourages those implementing the pilot program to examine potential means of making the residential facilities financially self-sustaining, in whole or in part, to the greatest extent possible.

Section 204. Enhancing state and local efforts to combat trafficking in persons

This section establishes a grants program for State and local law enforcement to improve programs to investigate and prosecute acts of severe forms of trafficking in persons and sex trafficking involving United States citizens, or persons admitted for permanent resi-

dence, that occur within the territorial jurisdiction of the United States. The purpose of these grants is to shift the focus to prosecuting those individuals who exploit others for profit.

The Committee intends for a grants program established pursuant to this section to improve the ability of State and local authorities to investigate and prosecute, either alone or in conjunction with Federal law enforcement, severe forms of trafficking and persons who engage in the purchase of commercial sex acts when they involve persons who are United States citizens or legal permanent residents.

The Committee intends for a grants program established pursuant to this section to improve the awareness of state and local law enforcement authorities about the applicability of the TVPA to United States persons who are victims of a severe form of trafficking and to improve the ability of these authorities to investigate and prosecute, either alone or in conjunction with Federal law enforcement, such crimes when they involve victims who are United States citizens or legal permanent residents. The Committee reaffirms that under the TVPA any person younger than 18 years old “induced to perform” a commercial sex act is considered a victim of a “severe form of trafficking.” The Committee is concerned that while Federal law recognizes juveniles exploited through prostitution as victims of crime, State and local systems may not be focusing efforts on prosecuting the traffickers, pimps and others, including purchasers of commercial sex acts, who exploit such juveniles.

By applying this section on United States citizens and permanent residents, the Committee does not intend to limit or prevent law enforcement agencies from establishing, developing, expanding, or strengthening programs to investigate and prosecute acts of trafficking within the United States which involve trafficked persons who are not United States citizens or permanent residents, nor does the Committee intend to limit any currently existing authority of the Department of Justice to conduct grant programs in support of such efforts. The Committee supports the existing programs carried out under such authority and encourages their continuation. The Committee expects that the program authorized by this section will be in addition to the programs that currently exist.

This provision requires grantees to work collaboratively with victim service providers and other NGOs. In implementing these grant programs, the Committee believes that the Department of Justice should give equal consideration to any application that includes the involvement of a faith-based organization, a non-faith-based organization, or both. By requiring that grantees under this section use a multi-disciplinary approach which involves working collaboratively with victim service providers and other relevant nongovernmental organizations, the Committee seeks to ensure that efforts to prosecute acts of trafficking include as an integral component the rendering of assistance to trafficked persons to permanently escape from the trafficking situation.

Section 205. Report to Congress

This section amends section 105(d)(7) of the TVPA, as amended by the Trafficking Victims Protection Reauthorization Act of 2003 (Pub. L. No. 108–193), to require that the annual report by the Attorney General to Congress required under that section will include

information on the amount, recipient, and purpose of each grant issued pursuant to the grants programs established by sections 202 and 204 of this Act.

Section 206. Senior Policy Operating Group

This section requires each Federal agency involved in providing grants to combat trafficking to apprise the Senior Policy Operating Group at the Department of State of its activities to ensure a coordinated approach to combating human trafficking.

Section 207. Definitions

This section states that the terms “severe forms of trafficking in persons” and “sex trafficking” used in title II have the meanings given those terms in the Trafficking Victims Protection Act of 2000.

Section 301. Authorizations of appropriations

This section authorizes funding for fiscal years 2006 and 2007 for programs and activities under the Trafficking Victims Protection Act and makes amendments to that Act. Paragraph (4) authorizes appropriations to the Attorney General of \$15 million for each of the fiscal years 2006 and 2007. An additional authorization of appropriations in the amount of \$250,000 to the President, acting through the Attorney General and the Secretary of State, for each of fiscal years 2006 and 2007 is made to carry out training activities at the International Law Enforcement Academies for law enforcement officers, prosecutors and members of the judiciary regarding trafficking in persons.

Paragraph (7) creates a new subsection 113(h) of the TVPA which authorizes appropriations to the Federal Bureau of Investigation (FBI) of \$15 million for fiscal year 2006 to investigate severe forms of trafficking in persons. The Committee supports the efforts of the FBI to investigate acts of trafficking in persons, whether the victims involved are foreign nationals or United States nationals, and in particular, the initiative ongoing since 2003, known as “Operation Innocence Lost” sponsored by the FBI Crimes Against Children Division in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children, which is a nationwide initiative to focus on child victims of interstate sex trafficking in the United States. It is the Committee’s intention that funds authorized under this paragraph will be used to expand these efforts.

Paragraph (7) further creates a new subsection 113(j) which authorizes appropriations to the Secretary of Homeland Security of \$18,000,000 for each of the fiscal years 2006 and 2007. The Department of Homeland Security’s Bureau of Immigration and Customs Enforcement (ICE) continues to be a major stakeholder in the United States government’s fight against human traffickers worldwide. ICE’s efforts have led to numerous successful prosecutions that have affirmed ICE’s crucial role in these investigations. ICE’s institutional experience and knowledge of these investigations, as well as its wide range of authorities, expertise, and capabilities uniquely positions the agency to aggressively pursue these individuals and criminal organizations that exploit men, women, and children. The Committee supports the efforts of the FBI and the Department of Homeland Security to investigate acts of trafficking in

persons, whether the victims involved are foreign nationals or United States nationals.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The bill was referred to this committee for consideration of such provisions of the bill as fall within the jurisdiction of this committee pursuant to clause 1(k) of Rule X of the Rules of the House of Representatives. The changes made to existing law made by the amendment reported by the Committee on International Relations are shown in the report filed by that committee (Rept. 109-317, Part 1).

ADDITIONAL VIEWS

We support this bill and the important progress it will bring towards combating severe forms of trafficking, including sexual exploitation of women and children. However, we are disappointed that the Committee was unable to agree upon language to address access to victims services.

The Minority sought to include an amendment to this bill that would have done two things. First, authorized the Department of Health and Human Services (HHS) to determine the eligibility of child trafficking victims for emergency services without the prior approval of law enforcement. Second, it would have provided a guardian ad litem to assist and usher children through the bureaucratic process of having their eligibility for social services determined.

The U.S. government estimates that between 14,500 and 17,500 individuals are trafficked into the U.S. each year. Up to 50% of these are individuals are believed to be under the age of 18, meaning that each year somewhere between 7,000 and 9,000 children are trafficking into the U.S. each year. However, since the inception of its trafficking program in 2001, as of October 1, 2005, HHS had certified only 841 individuals as trafficking victims, only 82 of whom have been children. This disparity between estimated victims and identified victims demonstrates that much more needs to be done in educating individuals who may be coming into contact with victims, including state and local law enforcement officials. Further, the disparity between the estimated percentage of child victims (up to 50%) and the number of recognized child victims (less than 10%) confirms that the unique circumstances and special needs of child victims must be a focal point of such training if this population is to be properly served. The guidance and training mandated by this amendment would have helped achieve this goal.

In the cases of the 82 children who have been granted eligibility for trafficking victim benefits, many have come into contact with multiple individuals before being identified as “trafficking victims” and before being referred for services. These cases reveal numerous lost opportunities for identification, including contacts the victims made with federal law enforcement, state and local police, hospitals, and child welfare specialists.

1. *Clarify that HHS is not required to consult with DHS or DOJ in providing assistance under the Trafficking Victims Protection Act (TVPA) to children*

Since the enactment of the TVPA, delays in granting benefits to child trafficking victims have caused increased trauma to some child trafficking victims after they have escaped or been rescued from their conditions of exploitation. In some cases, while waiting for a determination of eligibility, child trafficking victims, whose

needs often require immediate assistance, have been forced to remain in unsafe and unstable situations for weeks or months before they begin to receive services. During this period of uncertainty, the roles responsibilities of different service providers become increasingly complex and confusing for children whose lives are left in limbo for weeks or months. This practice hinders the recovery process of child victims due to the increased stress, uncertainty and burden they faced in the process of obtaining eligibility for benefits and services.

In many cases, this delay has been a result of HHS waiting for a referral from a law enforcement official or agency. This proposed amendment set out to clarify the erroneous interpretation that law enforcement agencies are the only sources capable of putting forth credible evidence on behalf of a child who is believed to be a victim of a severe form of trafficking. In assessing a child's eligibility for benefits and services as a trafficking victim, HHS should rely upon credible evidence presented by sources including, but not limited to, law enforcement, attorneys, charitable organizations, child welfare specialists, or other social service providers. What constitutes credible evidence ought to be evaluated on a case-by-case basis depending upon the unique circumstances of each case presented and the evidence available. The final determination of a child's eligibility should be based upon an evaluation of the facts presented to HHS. That determination should be made promptly without unreasonable delay so that child trafficking victims may access the emergency services they need.

Federal agencies working with child trafficking victims must have clear roles and responsibilities and an effective division of labor in order to protect victims, prosecute perpetrators and to prevent future instances of child trafficking. Under section 107(b) of the TVPA child trafficking victims are not required to cooperate with law enforcement to receive the benefits and services available to them. However, current practice is in direct violation of section 107(b) of the TVPA, creating a chilling effect that is discouraging child victims from accessing services.

Service providers have identified situations in which law enforcement agencies have insisted upon interviewing the child because HHS would not make a decision regarding the status of the child until they received a formal endorsement from law enforcement. In reaction, children have avoided presenting themselves to HHS out of fear of being forced to undergo extensive interviews with law enforcement in order to receive services. Consequently, child victims are likely to stay in their life-threatening situations because they fear interrogation or being forced to testify against their abusers.

In response to this practice, prominent members of Congress (Rep. Christopher Smith, Rep. Frank Wolf, Rep. Joseph Pitts, Rep. Tom Lantos, and Senator Brownback) signed a letter to Secretary of Health and Human Services Michael Leavitt in July 2005 requesting immediate rescission of the HHS policy requiring child trafficking victims to cooperate with law enforcement. This amendment would have rectified this damaging practice by clarifying the division of roles and responsibilities between federal agencies in the determination of whether a child has been subject to any of the acts described in section 103(8) of the TVPA.

In order to ensure that child victims of trafficking are granted the emergency benefits and services they need, regardless of their ability or willingness to participate in the investigation and prosecution of their traffickers, it is imperative that HHS have the exclusive and independent discretion to review the facts of the child's case to assess the child's status as a victim of a severe form of trafficking. Forcing a child to participate in an interview with a law enforcement agent in order to receive life-saving assistance is equivalent to forcing the child to cooperate with law enforcement. Any such requirement violates the letter and spirit of the TVPA.

2. *Guardian ad litem to assist in assessing children's eligibility for assistance under the Trafficking Victims Protection Act.*

Authorizing the appointment of a guardian ad litem would ensure that the child's best interests are taken into consideration concerning his/her care, custody, placement, emergency services and immigration applications. A guardian would help ensure that child victims of trafficking have access to information regarding the federal programs for which they are eligible and help them understand their rights and options. Likewise, the guardian would assist HHS in an investigation of the facts of the child's case in order to determine whether a child has been subject to any of the acts described in section 103(8) of the TVPA.

Child trafficking victims seldom identify themselves as "trafficking victims" and rarely have information about the services available to them or how to go about accessing those services. In many cases, child trafficking victims are afraid of presenting themselves to the government for fear they will be deported for being in the country illegally or punished for acts they have been forced to perform. Furthermore, in many cases, children have been unable to articulate their circumstances in a manner clear enough for HHS to determine they meet the legal definition of a victim of a severe form of trafficking. This amendment would have offered the Secretary an additional tool to utilize in determining a child's status as a trafficking victim, helping to prevent unnecessary delays or incorrect determinations.

A guardian ad litem would only be necessary in the initial determination process. Once a child has been deemed eligible for benefits and services as a victim of a severe form of trafficking by HHS, the child is either in the care of a parent or legal guardian or, in the case of an unaccompanied child, placed in the care of the Unaccompanied Refugee Minor (URM) program. At that point, the parent, legal guardian or child welfare agency acts as the guardian for the child.

The guardian should have immunity and privileges from being called as a fact or expert witness in any federal or state prosecution so that the guardian is not placed in the position of exposing information that could result in a security risk for the child or information that could in any way prejudice the prosecution of the traffickers. Guaranteeing that communications between a child trafficking victim and his/her guardian ad litem are privileged is critical to ensuring that the guardian ad litem can act in the best interest of the child most effectively. If information shared with a guardian ad litem were not privileged, guardians may not be able

to uncover the details of a child's case to its fullest for concern that their efforts may end up adversely affecting the child in the future. This concern has been expressed by case managers and clinicians working with child trafficking victims who may intentionally avoid delving into too many details of the child's case for fear that their case notes may be subpoenaed or that they may be called as a witness. An advocate tasked with the responsibility of acting in the child's best interest should be free to understand the child's wants and needs to the best of his or her ability without such concern. For this reason, it is vital that those communications be fully confidential. This amendment would offer that guarantee.

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