

cy for International Development, the Secretary of Labor, and the heads of other relevant agencies, is authorized to provide assistance under this section for each country that enters into a child protection compact with the United States to support policies and programs that—

- (A) prevent and respond to violence, exploitation, and abuse against children; and
- (B) measurably reduce the trafficking of minors by building sustainable and effective systems of justice, prevention, and protection.

(2) Elements

A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this chapter. The compact should take into account, if applicable, the national child protection strategies and national action plans for human trafficking of a country, and shall describe—

- (A) the specific objectives the foreign government and the United States Government expect to achieve during the term of the compact;
- (B) the responsibilities of the foreign government and the United States Government in the achievement of such objectives;
- (C) the particular programs or initiatives to be undertaken in the achievement of such objectives and the amount of funding to be allocated to each program or initiative by both countries;
- (D) regular outcome indicators to monitor and measure progress toward achieving such objectives;
- (E) a multi-year financial plan, including the estimated amount of contributions by the United States Government and the foreign government, and proposed mechanisms to implement the plan and provide oversight;
- (F) how a country strategy will be developed to sustain progress made toward achieving such objectives after expiration of the compact; and
- (G) how child protection data will be collected, tracked, and managed to provide strengthened case management and policy planning.

(3) Form of assistance

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

(4) Eligible countries

The Secretary of State, in consultation with the agencies set forth in paragraph (1) and relevant officers of the Department of Justice, shall select countries with which to enter into child protection compacts. The selection of countries under this paragraph shall be based on—

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

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

(5) Selection criteria

A country shall be selected under paragraph (4) on the basis of criteria developed by the Secretary of State in consultation with the Administrator of the United States Agency for International Development and the Secretary of Labor. Such criteria shall include—

- (A) a documented high prevalence of trafficking in persons within the country; and
- (B) demonstrated political motivation and sustained commitment by the government of such country to undertake meaningful measures to address severe forms of trafficking in persons, including prevention, protection of victims, and the enactment and enforcement of anti-trafficking laws against perpetrators.

(6) Suspension and termination of assistance

(A) In general

The Secretary may suspend or terminate assistance provided under this subsection in whole or in part for a country or entity if the Secretary determines that—

- (i) the country or entity is engaged in activities that are contrary to the national security interests of the United States;
- (ii) the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or
- (iii) the country or entity has failed to adhere to its responsibilities under the Compact.

(B) Reinstatement

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

(Pub. L. 106-386, div. A, § 105A, as added Pub. L. 113-4, title XII, § 1202, Mar. 7, 2013, 127 Stat. 136.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(2), was in the original “this Act”, meaning the Trafficking Victims Protection Act of 2000, as indicated by the directory language of section 1202 of Pub. L. 113-4 which added this section. The Trafficking Victims Protection Act of 2000 is div. A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to this chapter. For complete classification of div. A to the Code, see Short Title note set out under section 7101 of this title and Tables.

§ 7103b. Survivors of Human Trafficking Empowerment Act

(a) Short title

This section may be cited as the “Survivors of Human Trafficking Empowerment Act”.

(b) Establishment

There is established the United States Advisory Council on Human Trafficking (referred to

in this section as the “Council”), which shall provide advice and recommendations to the Senior Policy Operating Group established under section 7103(g) of this title (referred to in this section as the “Group”) and the President’s Interagency Task Force to Monitor and Combat Trafficking established under section 7103(a) of such title (referred to in this section as the “Task Force”).

(c) Membership

(1) Composition

The Council shall be composed of not less than 8 and not more than 14 individuals who are survivors of human trafficking.

(2) Representation of survivors

To the extent practicable, members of the Council shall be survivors of trafficking, who shall accurately reflect the diverse backgrounds of survivors of trafficking, including—

(A) survivors of sex trafficking and survivors of labor trafficking; and

(B) survivors who are United States citizens and survivors who are aliens lawfully present in the United States.

(3) Appointment

Not later than 180 days after May 29, 2015, the President shall appoint the members of the Council.

(4) Term; reappointment

Each member of the Council shall serve for a term of 2 years and may be reappointed by the President to serve 1 additional 2-year term.

(d) Functions

The Council shall—

(1) be a nongovernmental advisory body to the Group;

(2) meet, at its own discretion or at the request of the Group, not less frequently than annually to review Federal Government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims and serve as a point of contact for Federal agencies reaching out to human trafficking survivors for input on programming and policies relating to human trafficking in the United States;

(3) formulate assessments and recommendations to ensure that policy and programming efforts of the Federal Government conform, to the extent practicable, to the best practices in the field of human trafficking prevention; and

(4) meet with the Group not less frequently than annually, and not later than 45 days before a meeting with the Task Force, to formally present the findings and recommendations of the Council.

(e) Reports

Not later than 1 year after May 29, 2015, and each year thereafter until the date described in subsection (h),¹ the Council shall submit a report that contains the findings derived from the reviews conducted pursuant to subsection (d)(2) to—

(1) the chair of the Task Force;

(2) the members of the Group;

(3) the Committees on Foreign Affairs, Homeland Security, Appropriations, and the Judiciary of the House of Representatives; and

(4) the Committees on Foreign Relations, Appropriations, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(f) Employee status

Members of the Council—

(1) shall not be considered employees of the Federal Government for any purpose;

(2) shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5; and

(3) may each receive compensation for each day such member is engaged in the actual performance of the duties of the Council.

(g) Nonapplicability of FACA

The Council shall not be subject to the requirements under the Federal Advisory Committee Act (5 U.S.C. App.).¹

(Pub. L. 114–22, title I, §115, May 29, 2015, 129 Stat. 243; Pub. L. 115–425, title I, §114, Jan. 8, 2019, 132 Stat. 5477; Pub. L. 116–283, div. A, title XII, §1299R(c)(1), (2), Jan. 1, 2021, 134 Stat. 4027; Pub. L. 117–348, title I, §102, Jan. 5, 2023, 136 Stat. 6215.)

Editorial Notes

REFERENCES IN TEXT

Subsection (h), referred to in subsec. (e), was struck out by Pub. L. 117–348, title I, §102, Jan. 5, 2023, 136 Stat. 6215.

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117–286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

CODIFICATION

Section was enacted as the Survivors of Human Trafficking Empowerment Act, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

AMENDMENTS

2023—Subsec. (h). Pub. L. 117–348 struck out subsec. (h). Prior to amendment, text read as follows: “The Council shall terminate on September 30, 2025.”

2021—Subsec. (f)(3). Pub. L. 116–283, §1299R(c)(2), added par. (3).

Subsec. (h). Pub. L. 116–283, §1299R(c)(1), substituted “September 30, 2025” for “September 30, 2021”.

2019—Subsec. (f)(2). Pub. L. 115–425, §114(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.”

Subsec. (h). Pub. L. 115–425, §114(2), substituted “2021” for “2020”.

Statutory Notes and Related Subsidiaries

SEVERABILITY

Pub. L. 117–348, title III, §301, Jan. 5, 2023, 136 Stat. 6224, provided that: “If any provision of this Act [see

¹ See References in Text note below.

Short Title of 2023 Amendment note set out under section 7101 of this title] or amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.”

§ 7104. Prevention of trafficking

(a) Economic alternatives to prevent and deter trafficking

The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

- (1) microcredit lending programs, training in business development, skills training, and job counseling;
- (2) programs to promote women’s participation in economic decisionmaking;
- (3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;
- (4) development of educational curricula regarding the dangers of trafficking; and
- (5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) Public awareness and information

(1) In general

The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(2) Grants to assist in the recognition of trafficking

(A) Definitions

In this paragraph:

(i) ESEA terms

The terms “elementary school”, “local educational agency”, “other staff”, and “secondary school” have the meanings given the terms in section 7801 of title 20.

(ii) High-intensity child sex trafficking area

The term “high-intensity child sex trafficking area” means a metropolitan area designated by the Director of the Federal Bureau of Investigation as having a high rate of children involved in sex trafficking.

(iii) Labor trafficking

The term “labor trafficking” means conduct described in section 7102(9)(B)¹ of this title.

(iv) School staff

The term “school staff” means teachers, nurses, school leaders and administrators,

and other staff at elementary schools and secondary schools.

(v) Sex trafficking

The term “sex trafficking” means the conduct described in section 7102(9)(A)¹ of this title.

(B) In general

The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Labor, may award grants to local educational agencies, in partnership with a nonprofit, nongovernmental agency, to establish, expand, and support programs—

- (i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking; and
- (ii) to provide age-appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking.

(C) Program requirements

Amounts awarded under this paragraph shall be used for—

(i) education regarding—

(I) avoiding becoming victims of labor trafficking and sex trafficking;

(II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;

(III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;

(IV) reporting requirements and procedures in accordance with applicable Federal and State law; and

(V) how to carry out activities authorized under subparagraph (A)(ii); and

(ii) a plan, developed and implemented in consultation with local law enforcement agencies, to ensure the safety of school staff and students reporting such trafficking.

(D) Priority

In awarding grants under this paragraph, the Secretary shall give priority to local educational agencies serving a high-intensity child sex trafficking area.

(c) Border interdiction

The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of

¹ See References in Text note below.