

**(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) No limitation on section 20702 grant applications**

An entity that applies for a grant under section 20702 of this title is not prohibited from also applying for a grant under this section.

**(e) Authorization of appropriations**

There are authorized to be appropriated to the Attorney General to carry out this section \$10,000,000 for each of the fiscal years 2014 through 2021.

**(f) GAO evaluation and report**

Not later than 30 months after March 7, 2013, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—

- (1) the ability of law enforcement personnel to identify victims of severe forms of trafficking in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and
- (2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).

(Pub. L. 109–164, title II, §204, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110–457, title III, §302(5), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113–4, title XII, §1242, Mar. 7, 2013, 127 Stat. 153; Pub. L. 115–393, title III, §301(c), Dec. 21, 2018, 132 Stat. 5272; Pub. L. 115–425, title I, §122, Jan. 8, 2019, 132 Stat. 5479.)

**Editorial Notes**

REFERENCES IN TEXT

Section 7102(9) of title 22, referred to in subsec. (a)(1)(F), was redesignated section 7102(11) of title 22 by Pub. L. 115–427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 14044c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(1)(F). Pub. L. 115–425 added subpar. (F).

2018—Subsec. (e). Pub. L. 115–393 substituted “2021” for “2017”.

2013—Subsec. (a)(1)(A). Pub. L. 113–4, §1242(1)(A), struck out “, which involve United States citizens, or aliens admitted for permanent residence, and” after “related offenses”.

Subsec. (a)(1)(B) to (E). Pub. L. 113–4, §1242(1)(B)–(D), added subpar. (B), redesignated former subpars. (B) to (D) as (C) to (E), respectively, and in subpar. (C) inserted “and prioritize the investigations and prosecutions of those cases involving minor victims” after “commercial sex acts”.

Subsec. (d). Pub. L. 113–4, §1242(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113–4, §1242(2), (4), redesignated subsec. (d) as (e) and substituted “\$10,000,000 for each of the fiscal years 2014 through 2017” for “\$20,000,000 for each of the fiscal years 2008 through 2011”.

Subsec. (f). Pub. L. 113–4, §1242(5), added subsec. (f). 2008—Subsec. (d). Pub. L. 110–457 substituted “\$20,000,000 for each of the fiscal years 2008 through 2011” for “\$25,000,000 for each of the fiscal years 2006 and 2007”.

**§ 20705a. Enhancing the ability of State, local, and Tribal child welfare agencies to identify and respond to children who are, or are at risk of being, victims of trafficking**

**(a) Grants to enhance child welfare services**

The Secretary of Health and Human Services may make grants to eligible States to develop, improve, or expand programs that assist State, local, or Tribal child welfare agencies with identifying and responding to—

- (1) children considered victims of “child abuse and neglect” and of “sexual abuse” under the application of section 5106g(b)(1) of title 42 because of being identified as being a victim or at risk of being a victim of a severe form of trafficking in persons; and
- (2) children over whom such agencies have responsibility for placement, care, or supervision and for whom there is reasonable cause to believe are, or are at risk of being a victim of 1 or more severe forms of trafficking in persons.

**(b) Definitions**

In this section:

**(1) Child**

The term “child” means an individual who has not attained 18 years of age or such older age as the State has elected under section 475(8) of the Social Security Act (42 U.S.C. 675(8)). At the option of an eligible State, such term may include an individual who has not attained 26 years of age.

**(2) Eligible State**

The term “eligible State” means a State that has not received more than 3 grants under this section and meets 1 or more of the following criteria:

**(A) Elimination of third party control requirement**

The State has eliminated or will eliminate any requirement relating to identification of a controlling third party who causes a child to engage in a commercial sex act in order for the child to be considered a victim of trafficking or a victim of 1 or more severe forms of trafficking in persons for purposes of accessing child welfare services and care.

**(B) Application of standard for human trafficking**

The State considers a child to be a victim of trafficking if the individual is a victim of a severe form of trafficking in persons, as described in subparagraph (A) of section 7102(11) of title 22.

**(C) Development and implementation of State child welfare plan protocols**

The State agency responsible for administering the State plan for foster care and adoption assistance under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) has developed and is implementing or

will develop and implement protocols that meet the following reporting requirements:

(i) The requirement to report immediately, and in no case later than 24 hours after receiving, information on children who have been identified as being a victim of a severe form of trafficking in persons to law enforcement authorities under paragraph (34)(A) of section 471(a) of the Social Security Act (42 U.S.C. 671(a)).

(ii) The requirement to report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to law enforcement authorities, including children classified as “runaways”, for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children, under paragraph (35)(B) of such section [42 U.S.C. 671(a)(35)(B)].

(iii) The requirement to report to the Secretary of Health and Human Services the total number of children who are victims of child human trafficking under paragraph (34)(B) of such section [42 U.S.C. 671(a)(34)(B)].

#### **(D) Trafficking-specific protocol**

The State has developed and implemented or will develop and implement a specialized protocol for responding to a child who is, or is at risk of being, a trafficking victim to ensure the response focuses on the child’s specific safety needs as a victim of trafficking, and that includes the development and use of an alternative mechanism for investigating and responding to cases of child human trafficking in which the alleged offender is not the child’s parent or caregiver without utilizing existing processes for investigating and responding to other forms of child abuse or neglect that require the filing of an abuse or neglect petition.

#### **(3) Indian tribe; tribal organization**

The term “Indian tribe” and “tribal organization” have the meanings given those terms in section 5304 of title 25.

#### **(4) State**

The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Such term includes an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B of the Social Security Act (42 U.S.C. 679c), or which is receiving funding to provide foster care under part E of title IV of such Act [42 U.S.C. 670 et seq.] pursuant to a cooperative agreement or contract with a State.

(Pub. L. 109–164, title II, §204A, as added Pub. L. 117–347, title I, §104(a)(1), Jan. 5, 2023, 136 Stat. 6201.)

#### **Editorial Notes**

##### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(2)(C), (4), is act Aug. 14, 1935, ch. 531, 49 Stat. 620.

Part E of title IV of the Act is classified generally to part E (§670 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### **§ 20706. Senior Policy Operating Group**

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall apprise the Senior Policy Operating Group established by section 105(f)<sup>1</sup> 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.).

(Pub. L. 109–164, title II, §206, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110–457, title II, §233, Dec. 23, 2008, 122 Stat. 5074.)

#### **Editorial Notes**

##### REFERENCES IN TEXT

Section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000, referred to in text, was redesignated 105(g) of the Victims of Trafficking and Violence Protection Act of 2000 by Pub. L. 113–4, title XII, §1201(3), Mar. 7, 2013, 127 Stat. 136.

The Trafficking Victims Protection Act of 2000, referred to in text, is div. A of Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to chapter 78 (§7101 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of Title 22 and Tables.

##### CODIFICATION

Section was formerly classified to section 14044d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

##### AMENDMENTS

2008—Pub. L. 110–457 struck out “, as the department or agency determines appropriate,” before “apprise the Senior Policy Operating Group”.

#### **§ 20707. Definitions**

In this chapter:

##### **(1) Severe forms of trafficking in persons**

The term “severe forms of trafficking in persons” has the meaning given the term in section 7102(9)<sup>1</sup> of title 22.

##### **(2) Sex trafficking**

The term “sex trafficking” has the meaning given the term in section 7102(10)<sup>1</sup> of title 22.

##### **(3) Commercial sex act**

The term “commercial sex act” has the meaning given the term in section 7102(4) of title 22.

(Pub. L. 109–164, title II, §207, Jan. 10, 2006, 119 Stat. 3572; Pub. L. 113–4, title XII, §1212(b)(2)(C), Mar. 7, 2013, 127 Stat. 144.)

<sup>1</sup> See References in Text note below.

<sup>1</sup> See References in Text note below.