

Suspend the Rules and Pass the Bill, H.R. 2473, With Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

115TH CONGRESS
1ST SESSION

H. R. 2473

To ensure compliance with the Justice for Victims of Trafficking Act of 2015, to make strides toward eradicating human trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2017

Mrs. WAGNER (for herself and Ms. BASS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure compliance with the Justice for Victims of Trafficking Act of 2015, to make strides toward eradicating human trafficking, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Put Trafficking Vic-
5 tims First Act of 2017”.

1 **SEC. 2. REPORT ON SAFE HARBOR LAWS.**

2 Not later than 3 years after the date of enactment
3 of this Act, the Attorney General, acting through the Di-
4 rector of the Office for Victims of Crime, shall issue a
5 report to be posted on a publicly available website that
6 includes—

7 (1) the impact of State safe harbor laws and
8 associated services on the re-victimization of victims
9 of trafficking (as such term is defined in section
10 103(15) of the Victims of Trafficking and Violence
11 Protection Act of 2000 (22 U.S.C. 7102(15))), the
12 recovery of victims, victim outcomes, and prosecu-
13 tions of traffickers; and

14 (2) best practices and recommendations on the
15 development and implementation of effective State
16 safe harbor laws that promote full recovery of vic-
17 tims of trafficking and do not interfere with prosecu-
18 tions of traffickers.

19 **SEC. 3. TRAINING FOR PROSECUTIONS OF TRAFFICKERS**
20 **AND SUPPORT FOR STATE SERVICES FOR**
21 **VICTIMS OF TRAFFICKING.**

22 Section 107(b)(2)(B)(ii) of the Victims of Trafficking
23 and Violence Protection Act of 2000 (22 U.S.C.
24 7105(b)(2)(B)(ii)) is amended to read as follows:

25 “(ii) 5 percent for training and tech-
26 nical assistance, to be provided in coordi-

1 nation with the Secretary of Health and
2 Human Services, including with respect
3 to—

4 “(I) increasing capacity and ex-
5 pertise on security for and protection
6 of service providers from intimidation
7 or retaliation for their activities;

8 “(II) “investigating, prosecuting,
9 and preventing human trafficking
10 through a trauma-informed and vic-
11 tim-centered approach that provides
12 services and protections for victims of
13 trafficking;

14 “(III) facilitating the provision of
15 evidence-based, trauma-informed care
16 and mental health services to victims
17 of trafficking;

18 “(IV) ensuring that all victims of
19 trafficking, including United States
20 citizens, lawful permanent residents,
21 and foreign nationals, are eligible for
22 services;

23 “(V) ensuring that law enforce-
24 ment officers and prosecutors make
25 every attempt to determine whether

1 an individual's participation in human
2 trafficking is free from force, fraud,
3 or coercion of any means before ar-
4 resting them for, or charging them
5 with, an offense;

6 “(VI) effectively prosecuting traf-
7 fickers and individuals who patronize
8 or solicit children for sex, and facili-
9 tating access for child victims of traf-
10 ficking to the same type of court pro-
11 cedures and legal protections acces-
12 sible to child victims of sexual assault,
13 rape, child sexual abuse, or incest,
14 and clarifying the right of child vic-
15 tims of trafficking to not be treated as
16 criminals as a result of their victim-
17 ization; and

18 “(VII) encouraging States to
19 identify the locations of victims of
20 trafficking and serve those victims, in-
21 cluding through efforts that utilize
22 internet outreach, through methods
23 informed by survivors of human traf-
24 ficking, and by offering help and serv-

1 ices that are responsive to victims’
2 needs in their communities.”.

3 **SEC. 4. WORKING TO DEVELOP METHODOLOGIES TO AS-**
4 ****SESS PREVALENCE OF HUMAN TRAFFICKING.****

5 (a) WORKING GROUP.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this Act, the Director
8 of the National Institute of Justice, in consultation
9 with the Director of the Human Smuggling and
10 Trafficking Center, shall establish an expert working
11 group, which shall include survivors of human traf-
12 ficking, experts on sex and labor trafficking, rep-
13 resentatives from organizations collecting data on
14 human trafficking, and law enforcement officers.
15 The working group shall, utilizing, to the extent
16 practicable, existing efforts of agencies, task forces,
17 States, cities, research institutions, and organiza-
18 tions—

19 (A) identify the methodological and prac-
20 tical barriers hampering data collection on sex
21 and labor trafficking;

22 (B) identify the information that should be
23 collected, and how that information should be
24 collected; and

1 (C) recommend practices that could be
2 standardized as replicable best practices to pro-
3 mote better data comparison, aggregation, and
4 analysis.

5 (2) PILOT TESTING.—Not later than 3 years
6 after the date of the enactment of this Act, the Di-
7 rector of the National Institute of Justice shall im-
8 plement a series of pilot studies to test promising
9 methodologies studied under paragraph (1).

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of the enactment of this Act, the Director
13 of the National Institute of Justice, in consultation
14 with the Secretary of Labor, the Secretary of Health
15 and Human Services, the Secretary of Homeland Se-
16 curity, and the Director of the Human Smuggling
17 and Trafficking Center, shall submit to Congress a
18 report, which includes—

19 (A) the efforts made in developing robust,
20 comprehensive methodologies to estimate the
21 prevalence of human trafficking at the national
22 and regional levels;

23 (B) best practices for determining the
24 trends of human trafficking in the United
25 States;

1 (C) evaluations of the effectiveness of cur-
2 rent policies and procedures to address the
3 needs of victims of trafficking, including appro-
4 priate housing and services from trained trau-
5 ma-informed care service providers; and

6 (D) an analysis of the varying characteris-
7 tics of victims of trafficking in different regions,
8 including age, gender, race or ethnicity, involve-
9 ment in the child welfare system, involvement in
10 the juvenile or criminal justice system, the
11 number of foster care placements, the number
12 of congregate care placements, and whether an
13 individual is a victim of sex trafficking or labor
14 trafficking, and recommendations for how to
15 address the unique vulnerabilities of different
16 victims.

17 (2) AVAILABILITY OF REPORT.—The report re-
18 quired under paragraph (1) shall be made publicly
19 available on the website of the Department of Jus-
20 tice.

21 (3) INPUT FROM RELEVANT PARTIES.—In de-
22 veloping the report under paragraph (1), the Direc-
23 tor shall seek input from the United States Advisory
24 Council on Human Trafficking, victims of traf-
25 ficking, human trafficking survivor advocates, serv-

1 ice providers for victims of sex and labor trafficking,
2 and the President's Interagency Task Force on
3 Human Trafficking.

4 (c) SURVEY.—Not later than 2 years after the date
5 of the enactment of this Act, the Director of the National
6 Institute of Justice, in coordination with Federal, State,
7 local, and tribal governments, and private organizations,
8 including victim service providers and expert researchers,
9 shall develop and execute a survey of survivors seeking and
10 receiving services through a model agreed upon by service
11 providers for victims of trafficking, government entities,
12 and research experts to better understand where and how
13 victims of trafficking are accessing services, how they are
14 referred to services, including referrals by first responders,
15 how assessment tools work to identify victims of traf-
16 ficking, and to help estimate the prevalence of human traf-
17 ficking and victim identification in the United States. Sur-
18 vey results shall be made publicly available on the website
19 of the Department of Justice.

20 (d) NO ADDITIONAL FUNDS.—No additional funds
21 are authorized to carry out this section.

22 **SEC. 5. REPORT ON PROSECUTORS SEEKING MANDATORY**
23 **RESTITUTION IN TRAFFICKING CASES.**

24 Not later than 1 year after the date of the enactment
25 of this Act, the Attorney General, in consultation with the

1 Administrative Office of the United States Courts, shall
2 submit to Congress a report on efforts to increase manda-
3 tory restitution orders and use of asset forfeiture to pro-
4 vide restitution to victims of trafficking that shall be post-
5 ed on a publicly available website, which shall include the
6 following:

7 (1) Information on the Department of Justice's
8 training programs on mandatory restitution and the
9 use of asset forfeiture to provide restitution to vic-
10 tims of trafficking, and recommendations of nec-
11 essary additional training to ensure mandatory res-
12 titution is ordered in all relevant human trafficking
13 cases.

14 (2) An assessment of obstacles that continue to
15 prevent Federal prosecutors and Federal courts from
16 ordering restitution.

17 (3) An assessment of whether the asset for-
18 feiture provisions in the Justice for Victims of Traf-
19 ficking Act of 2015 and the amendments made by
20 that Act have helped increase requests to transfer
21 forfeited proceeds for restitution, including how
22 many requests have been made and how many of
23 those requests have been approved, and whether
24 United States Attorneys offices are properly in-
25 formed about requesting transfers.

1 (4) An assessment of how establishing trauma-
2 informed, victim-centered investigative and prosecu-
3 torial procedures can help improve mandatory res-
4 titution orders, including by encouraging victims of
5 trafficking to cooperate in criminal cases, equipping
6 victims of trafficking with proper assistance during
7 criminal proceedings, and helping victims of traf-
8 ficking secure mandatory restitution.

9 (5) The annual number and percentage of Fed-
10 eral cases related to human trafficking, separating
11 sex trafficking and labor trafficking, during the pe-
12 riod beginning on June 1, 2015, and ending on the
13 date of the enactment of this Act, in which restitu-
14 tion was ordered, and the amount of restitution or-
15 dered in each case.

16 (6) Data on the participation and non-partici-
17 pation of victims of trafficking in criminal pro-
18 ceedings, data on the participation and nonparticipa-
19 tion of victims of trafficking in witness protection
20 programs and services, and recommendations for en-
21 couraging the participation of victims of trafficking
22 in such proceedings.

1 **SEC. 6. SENSE OF CONGRESS ENCOURAGING STATES TO**
2 **ADOPT PROTECTIONS FOR VICTIMS OF TRAF-**
3 **FICKING.**

4 Congress recognizes and applauds the State legisla-
5 tive bodies that have taken tremendous steps to adopt pro-
6 tections and services for victims of trafficking. Congress
7 encourages States to do the following:

8 (1) Uphold the basic rights and dignity of
9 human trafficking survivors.

10 (2) Adopt a survivor-centered approach to ad-
11 dressing human trafficking that ensures the safety,
12 confidentiality, and well-being of victims of traf-
13 ficking, while recognizing symptoms of trauma and
14 coping mechanisms that may impact victims' inter-
15 actions with law enforcement, the justice system,
16 and service providers.

17 (3) Implement screening mechanisms for all
18 children entering child welfare services, the juvenile
19 justice system, or the criminal justice system to
20 identify child victims of trafficking and connect them
21 with appropriate services, including appropriate
22 housing and services from trained trauma-informed
23 care service providers, and to try to identify foreign
24 nationals who may be victims of trafficking.

25 (4) Ensure that child victims of trafficking are
26 provided with a range of protections, including ac-

1 cess to child welfare services, trauma-informed pro-
2 gramming, and the same legal rights afforded to
3 other children who experience sexual abuse, rape, or
4 incest, including ensuring that—

5 (A) criminals who exploit child victims of
6 sex trafficking, including offenders who pur-
7 chase, solicit, or obtain a child for purposes of
8 engaging in a commercial sex act, face serious
9 penalties and sentences under sex trafficking
10 laws, and are not given lesser sentences; and

11 (B) child victims of trafficking are never
12 referred to as “child prostitutes” or “underage
13 sex workers” in law or official documents and
14 proceedings.

15 (5) Develop a 24-hour emergency response plan
16 to provide victims trafficking with immediate protec-
17 tion and support when they are first identified,
18 which may include physically moving victims of traf-
19 ficking to a place of safety, attending to the imme-
20 diate medical and emotional needs of survivors, as-
21 sessing whether survivors are under risk for harm,
22 retaliation, or intimidation, and directly connecting
23 survivors with victim advocates, housing, and service
24 providers.

1 (6) Adopt protections for victims of trafficking
2 that include the right—

3 (A) to be treated as a victim of crime and
4 afforded justice, respect, and dignity;

5 (B) to protection if the victim's safety is at
6 risk or if there is danger of harm, retaliation,
7 or recapture by the trafficker;

8 (C) to comprehensive trauma-informed,
9 long-term, culturally competent care and heal-
10 ing services oriented toward emotional, psycho-
11 logical, and family healing;

12 (D) to evidence-based screening and as-
13 sessment tools, treatment plans, and therapy to
14 address traumatic stress and associated mental
15 health symptoms;

16 (E) to safe and effective emergency and
17 long-term housing; education, vocational, and
18 job assistance and training; mentoring pro-
19 grams; language assistance; drug and substance
20 abuse services; and legal services;

21 (F) for child sex trafficking victims to be
22 treated as children in need of child protective
23 services and to be served through the child wel-
24 fare system, where appropriate, in place of the
25 juvenile justice system;

1 (G) for all victims of trafficking, including
2 United States citizens, lawful permanent resi-
3 dents, and foreign nationals, to be eligible for
4 services;

5 (H) to have convictions and adjudications
6 related to prostitution and nonviolent offenses
7 vacated and such records cleared and expunged
8 if offenses were committed as a direct result of
9 the victim being trafficked, and protection for
10 foreign nationals from being removed, being de-
11 termined to be inadmissible, or losing any im-
12 migration benefit because of such conviction or
13 arrests;

14 (I) to the same type of court procedures
15 and legal protections accessible to victims of
16 sexual assault, rape, child sexual abuse, or in-
17 cest, including the right to not be treated as a
18 criminal; and

19 (J) to retain all rights regardless of wheth-
20 er the crime has been reported to law enforce-
21 ment.

Amend the title so as to read: “A bill to direct the Attorney General to study issues relating to human trafficking, and for other purposes.”.