

115TH CONGRESS  
1ST SESSION

# H. R. 2473

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2017

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To direct the Attorney General to study issues relating to  
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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

22 **SEC. 3. TRAINING FOR PROSECUTIONS OF TRAFFICKERS**  
23 **AND SUPPORT FOR STATE SERVICES FOR**  
24 **VICTIMS OF TRAFFICKING.**

25 (a) IN GENERAL.—Section 107(b)(2)(B)(ii) of the  
26 Victims of Trafficking and Violence Protection Act of

1 2000 (22 U.S.C. 7105(b)(2)(B)(ii)) is amended to read  
2 as follows:

3 “(ii) 5 percent for training and tech-  
4 nical assistance, to be provided in coordi-  
5 nation with the Secretary of Health and  
6 Human Services, including with respect  
7 to—

8 “(I) increasing capacity and ex-  
9 pertise on security for and protection  
10 of service providers from intimidation  
11 or retaliation for their activities;

12 “(II) “investigating, prosecuting,  
13 and preventing human trafficking  
14 through a trauma-informed and vic-  
15 tim-centered approach that provides  
16 services and protections for victims of  
17 trafficking;

18 “(III) facilitating the provision of  
19 evidence-based, trauma-informed care  
20 and mental health services to victims  
21 of trafficking;

22 “(IV) ensuring that all victims of  
23 trafficking, including United States  
24 citizens, lawful permanent residents,

1 and foreign nationals, are eligible for  
2 services;

3 “(V) ensuring that law enforce-  
4 ment officers and prosecutors make  
5 every attempt to determine whether  
6 an individual’s participation in human  
7 trafficking is free from force, fraud,  
8 or coercion of any means before ar-  
9 resting them for, or charging them  
10 with, an offense;

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

23 “(VII) encouraging States to  
24 identify the locations of victims of  
25 trafficking and serve those victims, in-

1 cluding through efforts that utilize  
2 internet outreach, through methods  
3 informed by survivors of human traf-  
4 ficking, and by offering help and serv-  
5 ices that are responsive to victims’  
6 needs in their communities.”.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall take effect on October 1, 2017.

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

11 (a) WORKING GROUP.—

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

1 (A) identify the methodological and prac-  
2 tical barriers hampering data collection on sex  
3 and labor trafficking;

4 (B) identify the information that should be  
5 collected, and how that information should be  
6 collected; and

7 (C) recommend practices that could be  
8 standardized as replicable best practices to pro-  
9 mote better data comparison, aggregation, and  
10 analysis.

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

16 (b) REPORT.—

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

1 (A) the efforts made in developing robust,  
2 comprehensive methodologies to estimate the  
3 prevalence of human trafficking at the national  
4 and regional levels;

5 (B) best practices for determining the  
6 trends of human trafficking in the United  
7 States;

8 (C) evaluations of the effectiveness of cur-  
9 rent policies and procedures to address the  
10 needs of victims of trafficking, including appro-  
11 priate housing and services from trained trau-  
12 ma-informed care service providers; and

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

24 (2) AVAILABILITY OF REPORT.—The report re-  
25 quired under paragraph (1) shall be made publicly

1 available on the website of the Department of Jus-  
2 tice.

3 (3) INPUT FROM RELEVANT PARTIES.—In de-  
4 veloping the report under paragraph (1), the Direc-  
5 tor shall seek input from the United States Advisory  
6 Council on Human Trafficking, victims of traf-  
7 ficking, human trafficking survivor advocates, serv-  
8 ice providers for victims of sex and labor trafficking,  
9 and the President’s Interagency Task Force on  
10 Human Trafficking.

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



1 key results shall be made publicly available on the website  
2 of the Department of Justice.

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

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

7 Not later than 1 year after the date of the enactment  
8 of this Act, the Attorney General, in consultation with the  
9 Administrative Office of the United States Courts, shall  
10 submit to Congress a report on efforts to increase manda-  
11 tory restitution orders and use of asset forfeiture to pro-  
12 vide restitution to victims of trafficking that shall be post-  
13 ed on a publicly available website, which shall include the  
14 following:

15 (1) Information on the Department of Justice's  
16 training programs on mandatory restitution and the  
17 use of asset forfeiture to provide restitution to vic-  
18 tims of trafficking, and recommendations of nec-  
19 essary additional training to ensure mandatory res-  
20 titution is ordered in all relevant human trafficking  
21 cases.

22 (2) An assessment of obstacles that continue to  
23 prevent Federal prosecutors and Federal courts from  
24 ordering restitution.

1           (3) An assessment of whether the asset for-  
2           feiture provisions in the Justice for Victims of Traf-  
3           ficking Act of 2015 and the amendments made by  
4           that Act have helped increase requests to transfer  
5           forfeited proceeds for restitution, including how  
6           many requests have been made and how many of  
7           those requests have been approved, and whether  
8           United States Attorneys offices are properly in-  
9           formed about requesting transfers.

10           (4) An assessment of how establishing trauma-  
11           informed, victim-centered investigative and prosecu-  
12           torial procedures can help improve mandatory res-  
13           titution orders, including by encouraging victims of  
14           trafficking to cooperate in criminal cases, equipping  
15           victims of trafficking with proper assistance during  
16           criminal proceedings, and helping victims of traf-  
17           ficking secure mandatory restitution.

18           (5) The annual number and percentage of Fed-  
19           eral cases related to human trafficking, separating  
20           sex trafficking and labor trafficking, during the pe-  
21           riod beginning on June 1, 2015, and ending on the  
22           date of the enactment of this Act, in which restitu-  
23           tion was ordered, and the amount of restitution or-  
24           dered in each case.

1           (6) Data on the participation and non-partici-  
2           pation of victims of trafficking in criminal pro-  
3           ceedings, data on the participation and nonparticipa-  
4           tion of victims of trafficking in witness protection  
5           programs and services, and recommendations for en-  
6           couraging the participation of victims of trafficking  
7           in such proceedings.

8 **SEC. 6. SENSE OF CONGRESS ENCOURAGING STATES TO**  
9                                   **ADOPT PROTECTIONS FOR VICTIMS OF TRAF-**  
10                                  **FICKING.**

11           Congress recognizes and applauds the State legisla-  
12           tive bodies that have taken tremendous steps to adopt pro-  
13           tections and services for victims of trafficking. Congress  
14           encourages States to do the following:

15           (1) Uphold the basic rights and dignity of  
16           human trafficking survivors.

17           (2) Adopt a survivor-centered approach to ad-  
18           dressing human trafficking that ensures the safety,  
19           confidentiality, and well-being of victims of traf-  
20           ficking, while recognizing symptoms of trauma and  
21           coping mechanisms that may impact victims' inter-  
22           actions with law enforcement, the justice system,  
23           and service providers.

24           (3) Implement screening mechanisms for all  
25           children entering child welfare services, the juvenile

1 justice system, or the criminal justice system to  
2 identify child victims of trafficking and connect them  
3 with appropriate services, including appropriate  
4 housing and services from trained trauma-informed  
5 care service providers, and to try to identify foreign  
6 nationals who may be victims of trafficking.

7 (4) Ensure that child victims of trafficking are  
8 provided with a range of protections, including ac-  
9 cess to child welfare services, trauma-informed pro-  
10 gramming, and the same legal rights afforded to  
11 other children who experience sexual abuse, rape, or  
12 incest, including ensuring that—

13 (A) criminals who exploit child victims of  
14 sex trafficking, including offenders who pur-  
15 chase, solicit, or obtain a child for purposes of  
16 engaging in a commercial sex act, face serious  
17 penalties and sentences under sex trafficking  
18 laws, and are not given lesser sentences; and

19 (B) child victims of trafficking are never  
20 referred to as “child prostitutes” or “underage  
21 sex workers” in law or official documents and  
22 proceedings.

23 (5) Develop a 24-hour emergency response plan  
24 to provide victims trafficking with immediate protec-  
25 tion and support when they are first identified,

1 which may include physically moving victims of traf-  
2 ficking to a place of safety, attending to the imme-  
3 diate medical and emotional needs of survivors, as-  
4 sessing whether survivors are under risk for harm,  
5 retaliation, or intimidation, and directly connecting  
6 survivors with victim advocates, housing, and service  
7 providers.

8 (6) Adopt protections for victims of trafficking  
9 that include the right—

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

12 (B) to protection if the victim’s safety is at  
13 risk or if there is danger of harm, retaliation,  
14 or recapture by the trafficker;

15 (C) to comprehensive trauma-informed,  
16 long-term, culturally competent care and heal-  
17 ing services oriented toward emotional, psycho-  
18 logical, and family healing;

19 (D) to evidence-based screening and as-  
20 sessment tools, treatment plans, and therapy to  
21 address traumatic stress and associated mental  
22 health symptoms;

23 (E) to safe and effective emergency and  
24 long-term housing; education, vocational, and  
25 job assistance and training; mentoring pro-

1           grams; language assistance; drug and substance  
2           abuse services; and legal services;

3           (F) for child sex trafficking victims to be  
4           treated as children in need of child protective  
5           services and to be served through the child wel-  
6           fare system, where appropriate, in place of the  
7           juvenile justice system;

8           (G) for all victims of trafficking, including  
9           United States citizens, lawful permanent resi-  
10          dents, and foreign nationals, to be eligible for  
11          services;

12          (H) to have convictions and adjudications  
13          related to prostitution and nonviolent offenses  
14          vacated and such records cleared and expunged  
15          if offenses were committed as a direct result of  
16          the victim being trafficked, and protection for  
17          foreign nationals from being removed, being de-  
18          termined to be inadmissible, or losing any im-  
19          migration benefit because of such conviction or  
20          arrests;

21          (I) to the same type of court procedures  
22          and legal protections accessible to victims of  
23          sexual assault, rape, child sexual abuse, or in-  
24          cest, including the right to not be treated as a  
25          criminal; and

