

117TH CONGRESS
2D SESSION

S. 4926

To amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2022

Mr. CORNYN (for himself, Ms. KLOBUCHAR, Mr. GRAHAM, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

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 “Respect for Child Sur-
5 vivors Act”.

1 **SEC. 2. MULTIDISCIPLINARY TEAMS.**

2 (a) AMENDMENT.—Chapter 33 of title 28, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 540D. Multidisciplinary teams**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘child sexual abuse material’
8 means a visual depiction described in section
9 2256(8)(A) of title 18;

10 “(2) the term ‘covered investigation’ means any
11 investigation of child sexual exploitation or abuse,
12 the production of child sexual abuse material, or
13 child trafficking conducted by the Federal Bureau of
14 Investigation;

15 “(3) the term ‘Director’ means the Director of
16 the Federal Bureau of Investigation;

17 “(4) the term ‘multidisciplinary team’ means a
18 multidisciplinary team established or used under
19 subsection (b)(2);

20 “(5) the term ‘relevant children’s advocacy cen-
21 ter personnel’ means children’s advocacy center staff
22 that regularly participate in multidisciplinary child
23 support settings, including the director of the chil-
24 dren’s advocacy center, the coordinator of a multi-
25 disciplinary team, forensic interviewers, victim advo-
26 cates, forensic medical evaluators, physicians, sexual

1 assault nurse examiners, and mental health clini-
2 cians; and

3 “(6) the term ‘victim advocate’ means a person,
4 whether paid or serving as a volunteer, who provides
5 services to victims under the auspices or supervision
6 of a victim services program.

7 “(b) FBI VICTIM SUPPORT REQUIREMENTS.—

8 “(1) IN GENERAL.—To carry out the functions
9 described in subsection (c) in connection with each
10 covered investigation conducted by the Federal Bu-
11 reau of Investigation, the Director shall—

12 “(A) use a multidisciplinary approach; and

13 “(B) unless impracticable or otherwise in-
14 consistent with applicable Federal law, in ac-
15 cordance with paragraph (3), use—

16 “(i) a trained Federal Bureau of In-
17 vestigation child adolescent forensic inter-
18 viewer; or

19 “(ii) in the absence of a trained Fed-
20 eral Bureau of Investigation child adoles-
21 cent forensic interviewer, a trained forensic
22 interviewer at a children’s advocacy center.

23 “(2) USE AND COORDINATION.—The Director
24 shall use and coordinate with children’s advocacy

center-based multidisciplinary teams as necessary to carry out paragraph (1).

“(3) CHILDREN’S ADVOCACY CENTERS.—The Director—

“(A) may work with children’s advocacy centers to implement a multidisciplinary team approaches for purposes of covered investigations; and

“(B) shall allow, facilitate, and encourage multidisciplinary teams to collaborate with a children’s advocacy center with regard to availability, provision, and use of services to and by victims and families that are participants in or affected by the actions at issue in a covered investigation.

“(4) REPORT.—The Director shall submit to the Attorney General an annual report identifying any interview of a victim reporting child sexual abuse material or child trafficking that took place—

“(A) without the use of—

“(i) a multidisciplinary approach;

“(ii) a trained forensic interviewer; or

“(iii) either the use of a multidisciplinary approach or a trained forensic interviewer; and

1 “(B) for each interview identified under
2 subparagraph (A), describing the exigent cir-
3 cumstances that existed with respect to the
4 interview, in accordance with paragraph (1).

5 “(5) MEMORANDA OF UNDERSTANDING.—The
6 Director shall seek to enter into a memorandum of
7 understanding with a reputable national accrediting
8 organization for children’s advocacy centers—

9 “(A) under which—

10 “(i) the children’s advocacy services of
11 the national organization are made avail-
12 able to field offices of the Federal Bureau
13 of Investigation in the United States; and

14 “(ii) special agents and other employ-
15 ees of the Federal Bureau of Investigation
16 are made aware of the existence of such
17 memoranda and its purposes; and

18 “(B) which shall reflect a trauma-in-
19 formed, victim-centered approach and provide
20 for case review.

21 “(c) FUNCTIONS.—The functions described in this
22 subsection are the following:

23 “(1) To provide for the sharing of information
24 among the members of a multidisciplinary team,
25 when such a team is used, and with other appro-

1 piate personnel regarding the progress of a covered
2 investigation by the Federal Bureau of Investigation.

3 “(2) To provide for and enhance collaborative
4 efforts among the members of a multidisciplinary
5 team, when such a team is used, and other appro-
6 priate personnel regarding a covered investigation.

7 “(3) To enhance the social services available to
8 victims in connection with a covered investigation,
9 including through the enhancement of cooperation
10 among specialists and other personnel providing
11 such services in connection with a covered investiga-
12 tion.

13 “(4) To carry out other duties regarding the re-
14 sponse to investigations of child sexual abuse or
15 trafficking.

16 “(d) PERSONNEL.—

17 “(1) IN GENERAL.—Each multidisciplinary
18 team shall be composed of the following:

19 “(A) Appropriate investigative personnel.

20 “(B) Appropriate mental health profes-
21 sionals.

22 “(C) Appropriate medical personnel.

23 “(D) Victim advocates or victim specialists.

24 “(E) Relevant children’s advocacy center
25 personnel, with respect to covered investigations

1 in which the children’s advocacy center or per-
2 sonnel of the children’s advocacy center were
3 used in the course of the covered investigation.

4 “(F) Prosecutors, as appropriate.

5 “(2) EXPERTISE AND TRAINING.—

6 “(A) IN GENERAL.—Any individual as-
7 signed to a multidisciplinary team shall possess
8 such expertise, and shall undertake such train-
9 ing as is required to maintain such expertise, in
10 order to ensure that members of the team re-
11 main appropriately qualified to carry out the
12 functions of the team under this section.

13 “(B) REQUIREMENT.—The training and
14 expertise required under subparagraph (A) shall
15 include training and expertise on special vic-
16 tims’ crimes, including child sexual abuse.

17 “(e) SHARING OF INFORMATION.—

18 “(1) ACCESS TO INFORMATION.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graphs (B) and (C), relevant children’s advo-
21 cacy center personnel who are assigned to work
22 on a covered investigation under this section
23 shall be granted access to the case information
24 necessary to perform their role conducting fo-
25 rensic interviews and providing mental health

1 treatment, medical care, and victim advocacy
 2 for Federal Bureau of Investigation cases.

3 “(B) INCLUDED INFORMATION.—The case
 4 information described in subparagraph (A) to
 5 which relevant children’s advocacy center per-
 6 sonnel shall be granted access includes—

7 “(i) case outcome of forensic inter-
 8 views;

9 “(ii) medical evaluation outcomes;

10 “(iii) mental health treatment refer-
 11 rals and treatment completion;

12 “(iv) safety planning and child protec-
 13 tion issues;

14 “(v) victim service needs and referrals
 15 addressed by the victim advocate;

16 “(vi) case disposition;

17 “(vii) case outcomes; and

18 “(viii) any other information required
 19 for a children’s advocacy centers as a part
 20 of the standards of practice of the chil-
 21 dren’s advocacy center.

22 “(C) EXEMPT INFORMATION.—The case
 23 information described in subparagraph (A) does
 24 not include—

25 “(i) classified information;

1 “(ii) the identity of confidential in-
2 formants; or

3 “(iii) other investigative information
4 not included as a part of the standards of
5 practice of the children’s advocacy center.

6 “(2) SHARING INFORMATION WITH FBI.—Chil-
7 dren’s advocacy centers shall provide the Federal
8 Bureau of Investigation with forensic interview re-
9 cordings and documentation, medical reports, and
10 other case information on Federal Bureau of Inves-
11 tigation-related cases.

12 “(3) SECURITY CLEARANCES.—

13 “(A) IN GENERAL.—The Federal Bureau
14 of Investigation shall provide security clear-
15 ances to relevant children’s advocacy center per-
16 sonnel for purposes of case review by multidisci-
17 plinary teams, if it is determined that those
18 personnel are eligible and possess a need-to-
19 know specific classified information to perform
20 or assist in a lawful and authorized government
21 function.

22 “(B) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There is authorized to be appropriated
24 such sums as are necessary to carry out sub-
25 paragraph (A).

1 “(f) USE OF TEAMS.—Multidisciplinary teams used
2 under this section shall be made available to victims re-
3 porting child sexual abuse or child trafficking in covered
4 investigations, regardless of the age of the victim making
5 the report.

6 “(g) CASE REVIEW BY MULTIDISCIPLINARY TEAM.—
7 Throughout a covered investigation, a multidisciplinary
8 team supporting an investigation under this section shall,
9 at regularly scheduled times, convene to—

10 “(1) share information about case progress;

11 “(2) address any investigative or prosecutorial
12 barriers; and

13 “(3) ensure that victims receive support and
14 needed treatment.

15 “(h) AVAILABILITY OF ADVOCATES.—The Director
16 shall make advocates available to each victim who reports
17 child sexual abuse or child trafficking in connection with
18 an investigation by the Federal Bureau of Investigation.

19 “(i) RULES OF CONSTRUCTION.—

20 “(1) INVESTIGATIVE AUTHORITY.—Nothing in
21 this section shall be construed to augment any exist-
22 ing investigative authority of the Federal Bureau of
23 Investigation or to expand the jurisdiction of any
24 Federal law enforcement agency.

1 “(2) PROTECTING INVESTIGATIONS.—Nothing
2 in this section shall be construed to limit the legal
3 obligations of the Director under any other provision
4 of law, including section 552a of title 5 (commonly
5 known as the ‘Privacy Act of 1974’), or require the
6 sharing of classified information with unauthorized
7 persons.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 The table of sections for chapter 33 of title 28, United
10 States Code, is amended by inserting after the item relat-
11 ing to section 540C the following:

 “540D. Multidisciplinary teams.”.

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