

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 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 “Enforcing Justice for
5 Victims of Trafficking Act of 2017”.

1 **SEC. 2. TRAINING FOR PROSECUTIONS OF TRAFFICKERS**
2 **AND SUPPORT FOR STATE SERVICES FOR**
3 **VICTIMS OF TRAFFICKING.**

4 The Attorney General shall, in coordination with the
5 Secretary of Health and Human Services, provide training
6 and technical assistance for Federal, State, and units of
7 local and tribal government, including Federal, State,
8 local, and tribal prosecutors and law enforcement officers,
9 in—

10 (1) investigating, prosecuting, and preventing
11 severe forms of trafficking in persons through a
12 trauma-informed and victim-centered approach that
13 provides services and protections for victims;

14 (2) facilitating the provision of evidence-based,
15 trauma-informed care and physical and mental
16 health services to persons subject to severe forms of
17 trafficking;

18 (3) ensuring that all victims of trafficking who
19 are United States citizens, lawful permanent resi-
20 dents, and foreign nationals are eligible for services;

21 (4) ensuring that law enforcement officers and
22 prosecutors make every attempt to determine an in-
23 dividual's participation in human trafficking is free
24 from force, fraud, or coercion of any means before
25 arresting or convicting them;

1 (5) facilitating access for child trafficking vic-
2 tims to the same type of court procedures and legal
3 protections accessible to child victims of sexual as-
4 sault, rape, child sexual abuse, or incest, including
5 the right to not be treated as a criminal; and

6 (6) encouraging States to identify victims where
7 they are located, including through efforts that uti-
8 lize internet outreach, through methods informed by
9 survivors of human trafficking, and to offer help and
10 services that are responsive to victims' needs.

11 **SEC. 3. WORKING TO DEVELOP METHODOLOGY TO ASSESS**
12 **PREVALENCE OF HUMAN TRAFFICKING.**

13 (a) WORKING GROUP.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, the Director
16 of the National Institute of Justice shall establish an
17 expert working group to identify the methodological
18 barriers hampering data collection on human traf-
19 ficking, the information that should be collected, and
20 current practices by agencies, task forces, States,
21 cities, research institutions, and organizations work-
22 ing on human trafficking that could be standardized
23 as replicable best practices.

24 (2) PILOT TESTING.—Not later than 3 years
25 after the date of the enactment of this Act, the Di-

1 rector of the National Institute of Justice shall im-
2 plement a series of pilot studies to test promising
3 methodologies studied under paragraph (1).

4 (b) REPORT.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of the enactment of this Act, the Director
7 of the National Institute of Justice, in consultation
8 with the Secretary of Labor, the Secretary of Health
9 and Human Services, the Secretary of Homeland Se-
10 curity, and the Director of the Human Smuggling
11 and Trafficking Center, shall submit to Congress a
12 report on the efforts made in developing a com-
13 prehensive national methodology to determine the
14 prevalence of human trafficking in the United
15 States, recommended examples and best practices to
16 determine the prevalence of human trafficking, and
17 the effectiveness of current policies and procedures
18 to address victims' needs, and identify the varying
19 characteristics of victims in different regions.

20 (2) AVAILABILITY OF REPORT.—The report re-
21 quired under subsection (a) shall be made publicly
22 available on the website of the Department of Jus-
23 tice.

24 (3) INPUT FROM RELEVANT PARTIES.—In de-
25 veloping the report under paragraph (1), the Direc-

1 tor shall seek input from the United States Advisory
2 Council on Human Trafficking, victims of human
3 trafficking, human trafficking survivor advocates,
4 and the President’s Interagency Task Force on
5 Human Trafficking.

6 (c) CENSUS.—Not later than 2 years after the date
7 of the enactment of this Act, the Director of the National
8 Institute of Justice, in coordination with Federal, State,
9 local, and tribal governments, and private organizations,
10 including victim service providers and expert researchers,
11 shall develop and execute a census of survivors seeking
12 services in a single 24-hour period throughout the United
13 States, as pioneered by the domestic violence field, to esti-
14 mate the prevalence of human trafficking in the United
15 States. Census results shall be made publicly available on
16 the website of the Department of Justice.

17 **SEC. 4. REPORT ON PROSECUTORS SEEKING MANDATORY**
18 **RESTITUTION IN TRAFFICKING CASES.**

19 Not later than 1 year after the date of the enactment
20 of this Act, the Attorney General shall submit to Congress
21 a report on efforts to increase mandatory restitution or-
22 ders and use of asset forfeiture to provide restitution to
23 victims of trafficking that shall be posted on a publicly
24 available website, which shall include the following:

1 (1) Information on the Department of Justice's
2 training programs on mandatory restitution and the
3 use of asset forfeiture to provide restitution to vic-
4 tims of trafficking, and recommendations of nec-
5 essary additional training to ensure mandatory res-
6 titution is ordered in all relevant human trafficking
7 cases.

8 (2) An assessment of obstacles that continue to
9 prevent Federal prosecutors and Federal courts from
10 ordering restitution.

11 (3) An assessment of whether the Justice for
12 Victims of Trafficking Act's civil asset forfeiture
13 provisions have helped increase requests to transfer
14 forfeited proceeds for restitution, including how
15 many requests have been made and how many of
16 those requests have been approved, and whether As-
17 sistant United States Attorneys Offices are properly
18 informed about requesting transfers.

19 (4) An assessment of how establishing trauma-
20 informed, victim-centered investigative and prosecu-
21 torial procedures can help improve mandatory res-
22 titution orders, such as by encouraging victims to
23 cooperate in criminal cases, to equip victims with
24 proper assistance during criminal proceedings, and
25 to help victims secure mandatory restitution.

1 **SEC. 5. ENCOURAGING STATES TO ADOPT PROTECTIONS**
2 **FOR VICTIMS OF TRAFFICKING.**

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

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

9 (2) Implement screening mechanisms for all
10 children entering child welfare services and the juve-
11 nile justice system, and for unaccompanied children
12 migrating into the country, to identify child traf-
13 ficking victims and connect them with appropriate
14 services.

15 (3) Ensure that child trafficking victims are
16 provided with the full range of protections, including
17 access to child welfare services, trauma-informed
18 programming, and the same legal rights afforded to
19 other children who experience sexual abuse, rape, or
20 incest, including ensuring that criminals who exploit
21 child sex trafficking victims are not given lesser sen-
22 tences and penalties than criminals who exploit chil-
23 dren through sexual abuse, rape, or incest; and en-
24 suring that child trafficking victims are never re-
25 ferred to as “child prostitutes” or “underage sex

1 workers” in law or official documents and pro-
2 ceedings.

3 (4) Develop a 24-hour emergency response plan
4 to provide victims of labor and sex trafficking with
5 immediate protection and support when they are
6 first identified, which may include physically moving
7 victims of trafficking to a place of safety, attending
8 to the immediate medical and emotional needs of
9 survivors, assessing whether survivors are under risk
10 for harm, retaliation, or intimidation, and directly
11 connecting survivors with victim advocates, housing,
12 and service providers.

13 (5) Adopt protections for victims of human
14 trafficking that include the right—

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

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

20 (C) to comprehensive trauma-informed,
21 long-term, culturally competent care and heal-
22 ing services oriented toward emotional, physical,
23 psychological, and family healing;

24 (D) to evidence-based screening and as-
25 sessment tools, treatment plans, and therapy to

1 address traumatic stress and associated mental
2 health symptoms;

3 (E) to safe and effective emergency and
4 long-term housing; education, vocational, and
5 job assistance and training; mentoring pro-
6 grams; language assistance; drug and substance
7 abuse services; and legal services;

8 (F) for child sex trafficking victims to be
9 treated as children in need of child protective
10 services and to be served through the child wel-
11 fare system, where appropriate, in place of the
12 juvenile justice system;

13 (G) for all victims of trafficking who are
14 United States citizens, lawful permanent resi-
15 dents, and foreign nationals to be eligible for
16 services;

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

1 (I) to the same type of court procedures
2 and legal protections accessible to victims of
3 sexual assault, rape, child sexual abuse, or in-
4 cest, including the right to not be treated as a
5 criminal;

6 (J) to be informed and notified in writing
7 of the survivor's legal rights, including the
8 availability of victim compensation, mandatory
9 restitution, and a civil cause of action; the
10 availability of protective orders and policies re-
11 lated to their enforcement; and the rights and
12 services available to the victim under section
13 2771 of title 18, United States Code; and

14 (K) to retain all rights regardless of
15 whether the crime has been reported to law en-
16 forcement.

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