109TH CONGRESS
1ST SESSION

H. R. _____

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Smith of New Jersey (for himself, Mr. Lantos, Mr. Payne, Mr. Blunt, Mr. Wolf, Mr. Cardin, Ms. Ros-Lehtinen, Mr. Pitts, Mr. Pence, and Mr. Faleomavaega) introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2005”.

(Original Signature of Member)
(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

**TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS**

Sec. 102. Protection of victims of trafficking in persons.
Sec. 103. Enhancing prosecutions of trafficking offenses.
Sec. 104. Enhancing United States efforts to combat trafficking in persons.
Sec. 105. Additional activities to monitor and combat forced labor and child labor.

**TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS**

Sec. 201. Prevention of domestic trafficking in persons.
Sec. 202. Establishment of grant program to develop, expand, and strengthen victim service programs for victims of domestic trafficking.
Sec. 203. Protection of victims of domestic trafficking in persons.
Sec. 204. Investigation by Federal Bureau of Investigation of acts of domestic trafficking in persons.
Sec. 205. Enhancing State and local efforts to combat trafficking in persons.
Sec. 206. Definitions.

**TITLE III—AUTHORIZATIONS OF APPROPRIATIONS**

Sec. 301. Authorizations of appropriations.
Sec. 302. Investigations by Federal Bureau of Investigations.

**SEC. 2. FINDINGS.**

Congress finds the following:


2. The United States Government currently estimates that 600,000 to 800,000 individuals are
trafficked across international borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

(3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

(4) Trafficking in persons also occurs within the borders of a country, including the United States.

(5) An estimated 100,000 to 300,000 children in the United States are at risk for commercial sexual exploitation in the United States, including trafficking, at any given time.

(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. Every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.
(7) A comprehensive strategy is needed to prevent the victimization of United States citizens and nationals through domestic trafficking.

(8) A project by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Southeast Asia has documented a linkage between the spread of HIV/AIDS and trafficking in women and girls. Scant other research or statistical data exists regarding the interconnection between trafficking in persons and HIV/AIDS. Further research is needed to determine the extent to which trafficking in persons contributes to the spread of HIV/AIDS and to identify strategies to combat this linkage.

(9) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

(10) There is a need to protect populations in post-conflict settings and humanitarian emergencies.
from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there remains a lack of institutionalized programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

(11) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

(12) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the
credibility and mission of United States Government programs in post-conflict regions.

(13) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

(14) Communities in the United States are not fully informed about sex offenders who are residing or working within those communities because offenders who are convicted in a foreign court of a sexually violent offense, or a criminal offense against a child victim, are not currently encompassed by the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program carried out under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14701), as amended by Megan’s Law (Public Law 104–145; 110 Stat. 1345).
TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. PREVENTION OF TRAFFICKING IN PERSONS.

(a) Prevention of Trafficking in Conjunction with Post-Conflict and Humanitarian Emergency Assistance.—

(1) Amendment.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

“(h) Prevention of Trafficking in Conjunction with Post-Conflict and Humanitarian Emergency Assistance.—The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.”.

(2) Study and report.—

(A) Study.—

(i) In general.—The Secretary of State and the Administrator of the United States Agency for International Develop-
ment, in consultation with the Secretary of Defense, shall conduct a study regarding the threat and practice of trafficking in persons generated by post-conflict and humanitarian emergencies in foreign countries.

(ii) FACTORS.—In carrying out the study, the Secretary of State and the Administrator of the United States Agency for International Development shall examine—

(I) the vulnerabilities to human trafficking of commonly affected populations, particularly women and children, generated by post-conflict and humanitarian emergencies;

(II) the various forms of trafficking in persons, both internal and trans-border, including both sexual and labor exploitation;

(III) a collection of best practices implemented to date to combat human trafficking in such areas; and

(IV) proposed recommendations to better combat trafficking in per-
sons in conjunction with post-conflict
reconstruction and humanitarian
emergencies assistance.

(B) REPORT.—Not later than 180 days
after the date of the enactment of this Act, the
Secretary of State and the Administrator of the
United States Agency for International Devel-
opment shall submit to the Committee on Inter-
national Relations of the House of Representa-
tives and the Committee on Foreign Relations
of the Senate a report that contains—

(i) the results of the study conducted
pursuant to subparagraph (A); and

(ii) specific recommendations to com-
bat trafficking in persons by departments
and agencies of the United States Govern-
ment that are responsible for post-conflict
and humanitarian emergency strategy and
assistance programs, including the Office
of Transition Initiatives and the Office of
Foreign Disaster Assistance of the United
States Agency for International Develop-
ment, the Office of the Coordinator for Re-
construction and Stabilization and the Bu-
reau of Population, Refugees, and Migra-
tion of the Department of State, and rele-

vant Department of Defense entities that
are carrying out or assisting in the conduct
of such programs.

(3) IMPLEMENTATION OF RECOMMENDATIONS.—To the maximum extent practicable and in
consultation with the congressional committees spec-
ified in paragraph (2)(B), the Administrator of the
United States Agency for International Develop-
ment, the Secretary of State, the Secretary of De-
fense, and the heads of other relevant departments
and agencies of the United States Government shall
take such actions as are necessary to implement the
recommendations contained in the report under
paragraph (2)(B)(ii) as soon as practicable after the
date of the submission of the report.

(b) EXTENSION OF SEXUALLY VIOLENT OFFENDER
REGISTRATION PROGRAM TO FOREIGN OFFENSES.—

(1) IN GENERAL.—Subsection (b)(7) of section
170101 of the Violent Crime Control and Law En-
forcement Act of 1994 (42 U.S.C. 14071) is
amended—

(A) in the matter preceding subparagraph

(A) by striking “convicted in another State”
and inserting “convicted outside that State”;

(B) in subparagraph (A) by inserting after “convicted in another State,” the following:

“convicted of a foreign offense,”.

(2) GUIDELINES; IMPLEMENTATION BY STATES.—Not later than one year after the date of the enactment of this Act, the Attorney General shall issue revised guidelines to implement the amendments made by paragraph (1). For purposes of subsection (g) of such section 170101, a State shall have until two years from the date on which the Attorney General issues revised guidelines pursuant to the preceding sentence to implement the amendments made by paragraph (1).

SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.

(a) ACCESS TO INFORMATION.—Section 107(c)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(2)) is amended by adding at the end the following new sentence: “To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.”.
(b) ESTABLISHMENT OF GUARDIAN AD LITEM PROGRAM.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following new paragraph:

“(4) APPOINTMENT OF GUARDIAN AD LITEM FOR CHILD VICTIM OF TRAFFICKING.—

“(A) IN GENERAL.—If the Director of the Office of Refugee Resettlement has reason to believe that an unaccompanied alien child is a victim of a severe form of trafficking in persons (as defined in section 107(b)(1)(C)(ii)(I) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(C)(ii)(I))), the Director may appoint a guardian ad litem who meets the qualifications described in subparagraph (B) for the child. The Director is encouraged, wherever practicable, to arrange with a nongovernmental organization for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

“(B) QUALIFICATIONS OF GUARDIAN AD LITEM.—No person shall serve as a guardian ad litem under this paragraph unless the person—
“(i) is a child welfare professional or other individual who has received training in child welfare matters; and

“(ii) has received training on the nature of problems encountered by victims of trafficking.

“(C) DUTIES.—The guardian ad litem shall take such steps as may be necessary to investigate and report to the Director of the Office of Refugee Resettlement as to whether an unaccompanied alien child is a victim of trafficking. The guardian ad litem shall—

“(i) conduct interviews with the child in a manner that is appropriate, taking into account the child’s age;

“(ii) investigate the facts and circumstances relevant to such child’s presence in the United States, including facts and circumstances arising in the country of the child’s nationality or last habitual residence and facts and circumstances arising subsequent to the child’s departure from such country;

“(iii) work with counsel, if the child is represented by counsel, to identify the
child’s eligibility for relief from removal or voluntary departure by sharing with counsel information collected under clause (ii);

“(iv) develop recommendations on issues relative to the child’s custody, detention, release, and repatriation;

“(v) take reasonable steps to ensure that the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

“(vi) take reasonable steps to ensure that the child understands the nature of the legal proceedings or matters and determinations made by the court, and ensure that all information is conveyed in an age-appropriate manner.

“(D) Determination of Eligibility for Benefits and Services.—The Director of the Office of Refugee Resettlement shall consider the report provided by the guardian ad litem in determining whether an alien child is a victim of a severe form of trafficking in persons eligible for services pursuant to section
107(b)(1)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(A)).

“(E) TERMINATION OF APPOINTMENT.—

The guardian ad litem shall carry out the duties described in subparagraph (C) until one of the following occurs:

“(i) Such duties are completed.

“(ii) The child departs the United States.

“(iii) The child is granted permanent resident status in the United States;

“(iv) The child attains the age of 18.

“(v) The child is placed in the custody of a parent, legal guardian, or licensed child welfare agency.

“(F) POWERS.—The guardian ad litem—

“(i) shall have reasonable access to the child, including access while such child is being held in detention, in the care of a foster family, or in any other temporary living arrangement;

“(ii) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;
“(iii) may seek independent evaluations of the child;

“(iv) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or in connection with the investigation or prosecution of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103)), and shall be given a reasonable opportunity to be present at such hearings or interviews;

“(v) shall be permitted to consult with the child during any hearing or interview involving such child; and

“(vi) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child prior to notification.

“(G) TRAINING.—The Director of the Office for Refugee Resettlement is authorized to
provide training for all persons serving as guardians ad litem under this section in the circumstances and conditions that child victims of trafficking face and immigration benefits or other rights under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) for which such child might be eligible.

“(H) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Health and Human Services such sums as may be necessary to carry out this paragraph.”.

(c) Access to Counsel.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)) is amended by adding at the end the following new paragraph:

“(5) Access to Counsel.—

“(A) Access to Counsel.—Victims of severe forms of trafficking, while in the custody of the Federal Government, shall not be denied access to counsel in any proceeding or matter relating to the investigation and prosecution of the act of trafficking involved.

“(B) Information.—Victims of severe forms of trafficking shall receive information
about their right to access to counsel under subparagraph (A). To the maximum extent practicable, victims of severe forms of trafficking shall receive contact information for nongovernmental organizations that receive funding from the Federal Government to provide counsel or other assistance to victims of trafficking.”.

(d) ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING.—

(1) Study.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

(B) Factors.—In carrying out the study under subparagraph (A), the Administrator shall—

(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the ap-
propriate size of such facilities, services to be provided, length of stay, and cost; and

(ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.

(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;
(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

(4) SELECTION OF SITES.—The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).

(5) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, nonprofit organizations with relevant expertise in the delivery of services to victims of trafficking.

(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on International Relations of the House of Representatives and the
Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) Authorization of Appropriations.—There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection $2,500,000 for each of the fiscal years 2006 and 2007.

SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING OFFENSES.

(a) Extraterritorial Jurisdiction Over Federal Contractors.—

(1) In General.—Part II of title 18, United States Code, is amended by inserting after chapter 212 the following new chapter:

“CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS

“Sec.

“3271. Criminal offenses committed by Federal contractors outside the United States.

“3272. Definition.

“§ 3271. Criminal offenses committed by Federal contractors outside the United States

“(a) Whoever, while an extraterritorial Federal contractor, engages in conduct outside the United States that would constitute an offense punishable by imprisonment
for more than 1 year if the conduct had been engaged
in within the special maritime and territorial jurisdiction
of the United States shall be punished as provided for that
offense.

“(b) No prosecution may be commenced against a
person under this section if a foreign government, in ac-
cordance with jurisdiction recognized by the United
States, has prosecuted or is prosecuting such person for
the conduct constituting such offense, except upon the ap-
proval of the Attorney General or the Deputy Attorney
General (or a person acting in either such capacity), which
function of approval may not be delegated.

“§ 3272. Definition

“As used in this chapter, the term ‘extraterritorial
Federal contractor’ means a person—

“(1) employed as a contractor (including a sub-
contractor at any tier), or as an employee of a con-
tractor (or subcontractor at any tier), of any Federal
agency;

“(2) present or residing outside the United
States in connection with such employment; and

“(3) not a national of or ordinarily resident in
the host nation.”.

(2) CLERICAL AMENDMENT.—The table of
chapters at the beginning of such part is amended
by inserting after the item relating to chapter 212
the following new item:

“212A. Extraterritorial jurisdiction over Federal contractors .............. 3271”.

(b) NEW UCMJ OFFENSES.—

(1) IN GENERAL.—Subchapter X of chapter 47
of title 10, United States Code (the Uniform Code
of Military Justice), is amended by inserting after
section 920 (article 120) the following new sections:

§ 920a. Art. 120a. Sex trafficking

“Any person subject to this chapter who knowingly
recruits, entices, harbors, transports, provides, or obtains
by any means a person, knowing that—

“(1) force, fraud, or coercion will be used to
cause that person to engage in a commercial sex act;
or

“(2) the person has not attained the age of
eighteen years and will be caused to engage in a
commercial sex act,
is guilty of sex trafficking and shall be punished as a
court-martial may direct.

§ 920b. Art. 120b. Trafficking for labor or services

“Any person subject to this chapter who knowingly
recruits, harbors, transports, provides, or obtains by any
means a person for labor or services—

“(1) by threats of serious harm to, or physical
restraint against, that person or another person;
“(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

“(3) by means of the abuse or threatened abuse of law or the legal process,
is guilty of trafficking for labor or services and shall be punished as a court-martial may direct.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 920 (article 120) the following new items:

“920a. 120a. Sex trafficking.
“920b. 120b. Trafficking for labor or services.”.

(c) LAUNDERING OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking “or” at the end;
(2) in clause (vi), by adding “or” at the end;
and
(3) by adding at the end the following new clause:

“(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or har-
boring a person, including a child, for commercial sex acts;”.

(d) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(h) ENFORCEMENT AGAINST UNITED STATES CITIZENS IN FOREIGN PLACES.—If a United States Government official attached to a United States Embassy in a foreign place becomes aware of a United States citizen or an alien admitted for permanent residence in the United States who is located in such foreign place and who has traveled in foreign commerce in violation of subsection (a), (b), (c), (d), or (e), the United States Embassy shall notify local law enforcement authorities and shall encourage the prosecution of the individual under applicable local laws or the extradition of the individual to the United States for the purpose of prosecution under this section.”.

SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) APPOINTMENT TO INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended—
(1) by striking “the Director of Central Intelligence” and inserting “the Director of National Intelligence”; and

(2) by inserting “, the Secretary of Defense, the Secretary of Homeland Security” after “the Director of National Intelligence” (as added by paragraph (1)).

(b) Reporting Requirement.—Section 105(d)(7)(D) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(D)) is amended by adding at the end before the semicolon the following: “, and with respect to each case prosecuted under one or more of these sections, the number of victims of trafficking identified in each case and, of those victims, the number that have been granted continued presence in the United States under section 107(c)(3) or have been granted a visa under section 101(a)(15)(T)(i) of the Immigration and Nationality Act”.

(c) Minimum Standards for the Elimination of Trafficking.—Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (3), by adding at the end before the period the following: “, measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of
the country, measures to ensure that its nationals
who are deployed abroad as part of a peacekeeping
or other similar mission do not engage in or facili-
tate severe forms of trafficking in persons or exploit
victims of such trafficking, and measures to prevent
the use of forced labor or child labor in violation of
international standards”; and
(2) in the first sentence of paragraph (7), by
striking “persons,” and inserting “persons, including
nationals of the country who are deployed abroad as
part of a peacekeeping or other similar mission who
engage in or facilitate severe forms of trafficking in
persons or exploit victims of such trafficking,”.
(d) RESEARCH.—Section 112A of the Trafficking
Victims Protection Act of 2000 (22 U.S.C. 7109a) is
amended—
(1) in the first sentence of the matter preceding
paragraph (1)—
(A) by striking “The President” and in-
serting “(a) IN GENERAL.—The President”; and
(B) by striking “the Director of Central
Intelligence” and inserting “the Director of Na-
tional Intelligence”;
(2) in paragraph (3), by adding at the end before the period the following: “, particularly HIV/AIDS”;

(3) by adding at the end the following new paragraphs:

“(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

“(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.

“(6) The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.”; and

(4) by further adding at the end the following new subsections:

“(b) ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant
to section 7202 of the Intelligence Reform and Terrorism
Prevention Act of 2004 (Public Law 108–458)).

“(c) DEFINITIONS.—In this section:

“(1) AIDS.—The term ‘AIDS’ means the ac-
quired immune deficiency syndrome.

“(2) HIV.—The term ‘HIV’ means the human
immunodeficiency virus, the pathogen that causes
AIDS.

“(3) HIV/AIDS.—The term ‘HIV/AIDS’
means, with respect to an individual, an individual
who is infected with HIV or living with AIDS.”.

(e) FOREIGN SERVICE OFFICER TRAINING.—Section
708(a) of the Foreign Service Act of 1980 (22 U.S.C.
4028(a)) is amended—

(1) in the matter preceding paragraph (1), by
inserting “, the Director of the Office to Monitor
and Combat Trafficking,” after “the International
Religious Freedom Act of 1998”;

(2) in paragraph (1), by striking “and” at the
end;

(3) in paragraph (2), by striking the period at
the end and inserting “; and”; and

(4) by adding at the end the following:

“(3) instruction on international documents and
United States policy on trafficking in persons, in-
including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.”.

(f) **Prevention of Trafficking by Peacekeepers.—**

(1) **Inclusion in Trafficking in Persons Report.—** Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization’s employees, contractor personnel, and peacekeeping forces
in trafficking in persons or the exploitation of victims of trafficking.”.

(2) **Prevention of Trafficking in Connection with Peacekeeping Operations.**—

(A) **Certification by Secretary of State.**—At least 15 days prior to voting for or otherwise officially endorsing a new, reauthorized, or expanded peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in the case of a peacekeeping mission to respond to an emergency, as far in advance as is practicable), the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a certification that contains—

(i) a determination that the organization has taken appropriate measures to prevent the organization’s employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from
trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation and to hold accountable any such individuals who engage in any such acts while participating in the peace-keeping mission; and

(ii) a detailed description of each of the measures referred to in clause (i).

(B) Provision of United States Logistical Support.—

(i) Requirement.—The United States may provide logistical support for or deploy personnel, including civilian police, observers, or members of the United States Armed Forces in support of a peace-keeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates only on or after the date on which the Secretary of State submits to a Congress a certification described in subparagraph (A).

(ii) Exception.—Notwithstanding the failure of the Secretary of State to
submit a certification pursuant to subpara-
graph (A) with respect to a peacekeeping
mission described in such subparagraph,
support described in clause (i) may be
made available for the peacekeeping mis-
mission on or after the date on which the Sec-
retary of State submits to Congress a let-
ter that contains—

(I) an explanation as to why the
certification required by subparagraph
(A) has not been provided;

(II) a description of the steps
taken by the United States to encour-
age the organization to take the ap-
propriate measures described in sub-
paragraph (A); and

(III) a certification that, notwith-
standing the failure of the organiza-
tion to take the appropriate measures
described in subparagraph (A), the
Secretary of State has determined
that voting for or otherwise officially
endorsing the peacekeeping mission is
in the national interests of United
States.
(3) Department of Defense Director of Anti-Trafficking Policies.—

(A) Establishment.—The Secretary of Defense shall designate within the Office of the Secretary of Defense a director of anti-trafficking policies. The director shall be responsible for overseeing the implementation within the Department of Defense of policies relating to trafficking in persons, including policies of the Department and policies of the Federal Government (including policies contained in National Security Presidential Directive 22) as they relate to the Department. The Secretary may not assign to the director any responsibilities not related to trafficking in persons.

(B) Duties.—The director designated under subparagraph (A) shall, in consultation with other relevant elements of the Department—

(i) ensure that training materials and instructional programs relating to trafficking in persons are developed and used by the military departments;

(ii) consult regularly with academicians, faith-based organizations, multilat-
eral organizations, nongovernmental organizations, and others with expertise in combating trafficking in persons, regarding
the Department’s implementation of policies relating to trafficking in persons;

(iii) conduct surveys of members of
the Armed Forces and of employees of the Department to assess attitudes and knowledge regarding trafficking in persons and use the results of those surveys to develop training materials and instructional programs relating to trafficking in persons;

(iv) ensure that trafficking in persons is included as an intelligence requirement in peacekeeping missions that track organized crime;

(v) ensure the proper handling of cases in which a member of the Armed Forces or an employee or contractor of the Department is alleged to have engaged in or facilitated an act of trafficking in persons and in such cases encourage, as appropriate, implementation of chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial
Jurisdiction Act of 2000) and the Trafficking Victims Protection Act of 2000;

(vi) ensure that the Department implements the commitments relating to trafficking in persons agreed to by the United States in the context of the North Atlantic Treaty Organization, the United Nations, and other multilateral organizations, as those commitments relate to the Department;

(vii) establish a mechanism to ensure that neither the Department nor any contractor (or subcontractor at any tier) of the Department rehires an employee of such a contractor (or subcontractor) who engaged in a severe form of trafficking in persons while the contract is in effect;

(viii) include the subject of trafficking in persons in military-to-military contact programs;

(ix) in consultation with the Office of the Inspector General of the Department, investigate links between trafficking in persons and deployments of members of the
Armed Forces and contractors of the Department;

(x) consult with contractors of the Department on programs to prevent trafficking in persons and on accountability structures relating to trafficking in persons; and

(xi) perform such other related duties as the Secretary may require.

(C) Resources.—The director designated under subparagraph (A) shall have sufficient staff and resources to carry out the responsibilities and duties described in this paragraph.

(D) Rank.—The director designated under subparagraph (A) shall have the rank of assistant secretary.

(g) FBI Investigations.—From amounts made available to carry out this subsection (including amounts made available pursuant to the authorization of appropriations in section 302), the Director of the Federal Bureau of Investigation shall investigate acts of severe forms of trafficking in persons other than domestic trafficking in persons (as defined in section 206).
SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

(a) In General.—The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in subsection (b).

(b) Additional Activities Described.—The additional activities referred to in subsection (a) are—

(1) to monitor the use of forced labor and child labor in violation of international standards;

(2) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

(3) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards;

(4) to work with persons who are involved in the production of goods on the list described in para-
graph (3) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such paragraph; and

(5) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.

(a) Program to Reduce Demand for Commercial Sex Acts.—

(1) Program.—The Secretary of Health and Human Services shall identify best practices to reduce the demand for commercial sex acts in the United States and shall carry out a program to implement such best practices.

(2) Report.—The Secretary shall prepare and post on the Internet Web site of the Department of
Health and Human Services a report on the best practices identified under paragraph (1).

(3) DEFINITIONS.—In this subsection, the term “commercial sex act” has the meaning given the term in section 103(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(3)).

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) in paragraph (1), by striking “described in paragraph (2)”; and

(2) by striking paragraph (2).

SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN VICTIM SERVICE PROGRAMS FOR VICTIMS OF DOMESTIC TRAFFICKING.

(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to develop, expand, and strengthen victim service programs for victims of domestic trafficking.

(b) SELECTION FACTOR.—In selecting among applicants for grants under subsection (a), the Secretary shall
give priority to applicants with experience in the delivery of services to runaway or homeless youth, including youth who have been subjected to sexual abuse or commercial sexual exploitation, and to applicants who would employ survivors of commercial sexual exploitation as part of their proposed project.

(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.

SEC. 203. PROTECTION OF VICTIMS OF DOMESTIC TRAFFICKING IN PERSONS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for minor victims of domestic trafficking.

(b) PURPOSES.—The purposes of the pilot program established pursuant to subsection (a) are to—

(1) provide benefits and services to minor victims of domestic trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;
(2) assess the benefits of providing residential treatment facilities for minor victims of domestic trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for minor victims of domestic trafficking.

(c) SELECTION OF SITES.—The Secretary of Health and Human Services shall select 3 sites at which to operate the pilot program established pursuant to subsection (a).

(d) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, nonprofit organizations with relevant expertise in the delivery of services to runaway or homeless youth, including youth who have been subjected to sexual abuse or commercial sexual exploitation.

(e) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of
Health and Human Services to carry out this section $5,000,000 for each of the fiscal years 2006 and 2007.

SEC. 204. INVESTIGATION BY FEDERAL BUREAU OF INVESTIGATION OF ACTS OF DOMESTIC TRAFFICKING IN PERSONS.

From amounts made available to carry out this section (including amounts made available pursuant to the authorization of appropriations in section 302), the Director of the Federal Bureau of Investigation shall investigate acts of domestic trafficking in persons.

SEC. 205. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) Establishment of Grant Program for Law Enforcement.—

(1) In general.—Subject to the availability of appropriations, the Attorney General may make grants to States and local law enforcement agencies to develop, expand, or strengthen programs to investigate and prosecute acts of domestic trafficking in persons.

(2) Multi-disciplinary approach required.—Grants under paragraph (1) may be made only for programs in which the State or local law enforcement agency works collaboratively with victim service providers and other relevant nongovern-
mental organizations, including faith-based organizations and organizations with experience in the delivery of services to youth who have been subjected to sexual abuse or commercial sexual exploitation.

(3) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this subsection may not exceed 75 percent of the total costs of the projects described in the application submitted.

(b) IMPROVED INTERAGENCY COORDINATION TO COMBAT DOMESTIC TRAFFICKING.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by inserting “, the Director of the Office to Monitor and Combat Trafficking of the Department of State” after “the Commissioner of Immigration and Naturalization”.

SEC. 206. DEFINITIONS.

In this title:

(1) DOMESTIC TRAFFICKING IN PERSONS.—The term “domestic trafficking in persons” means a severe form of trafficking in persons as defined by section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)), which occurs wholly within the territorial jurisdiction of the United States.
(2) Victim of Domestic Trafficking.—The term “victim of domestic trafficking” means a person subjected to an act or practice described in paragraph (1).

(3) Minor Victim of Domestic Trafficking.—The term “minor victim of domestic trafficking” means a person subjected to an act or practice described in paragraph (1) who has not attained 18 years of age at the time the person is identified as a victim of domestic trafficking.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking “and $5,000,000” and inserting “$5,000,000”;

(B) by adding at the end before the period the following: “, and $5,500,000 for each of the fiscal years 2006 and 2007”; and

(C) by further adding at the end the following new sentence: “In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official re-
ception and representation expenses $3,000 for each of the fiscal years 2006 and 2007.”;


(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking “2003 through 2005” and inserting “2003 through 2007”; and

(B) in paragraph (3), by striking “$300,000 for fiscal year 2004 and $300,000 for fiscal year 2005” and inserting “$300,000 for each of the fiscal years 2004 through 2007”; and


SEC. 302. INVESTIGATIONS BY FEDERAL BUREAU OF INVESTIGATIONS.

There are authorized to be appropriated to the Director of the Federal Bureau of Investigation to carry out
sections 204 and 104(g) $15,000,000 for fiscal year 2006,
to remain available until expended.