Congressional Research Service
Informing the legislative debate since 1914

Justice for Victims of Trafficking Act of 2015: Changes to Domestic Human Trafficking Policies

Updated December 17, 2015

Congressional Research Service
https://crsreports.congress.gov
R44315

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Justice for Victims of Trafficking Act (JVTA, S. 178/P.L. 114-22), an omnibus bill that primarily includes anti-human trafficking provisions, was signed into law on May 29, 2015. The bill received broad congressional support, passing the Senate unanimously on April 22, 2015, and the House nearly unanimously (420-3) on May 19, 2015. Through amendments in the House and the Senate, the law incorporates the same or similar provisions from 10 of the 12 bills on trafficking that passed the House in the first few weeks of the 114th Congress: H.R. 159, H.R. 181, H.R. 246, H.R. 285, H.R. 350, H.R. 357, H.R. 398, H.R. 460, H.R. 468, and H.R. 469.

The JVTA amends the Trafficking Victims Protection Act (TVPA), the major federal law that addresses human trafficking, as well as multiple other federal statutes. It expands the federal response to trafficking in four broad areas: (1) victims' services and benefits, (2) criminal justice, (3) domestic sex trafficking of children, and (4) inter-agency coordination and training, and related areas.

- A major aspect of U.S. anti-trafficking efforts is victim assistance: providing immediate services when victims are identified and helping them recover from the victimization. The JVTA seeks to improve services to victims. For example, it directs the Department of Justice, which administers anti-trafficking programs, to provide a database for trafficking victim stakeholders on counseling and other victim supports.
- The JVTA also seeks to heighten the federal response to crimes perpetrated by traffickers. A major component of the law is the establishment of new financial penalty assessments for traffickers. These monies are to be deposited into a Domestic Trafficking Victims' Fund established under the act. Money from the fund may be used to award certain existing grants authorized by the TVPA or enhance programming for victims of child pornography served under the Victims of Child Abuse Act, among other purposes. The law prohibits the use of monies from the fund for medical items or health care or services under certain circumstances, though it allows such services to be funded from other sources.
- The JVTA responds to domestic sex trafficking of children through changes to a few policy areas, including missing and exploited children, runaway youth, the child welfare system, and juvenile justice. Notably, it requires law enforcement agencies to report additional information to a federal data system on missing children. It also creates a new child human trafficking deterrence program to aid child victims of both sex and labor trafficking while also supporting investigations and prosecutions of trafficking offenses.
- The JVTA addresses other issues related to trafficking, particularly concerns about possible duplication of efforts and a lack of coordination among the agencies that conduct anti-trafficking activities. It directs the President's Interagency Task Force to Monitor and Combat Trafficking to conduct a review of human trafficking prevention within the United States, including cataloging the U.S. government's efforts to prevent individuals from committing trafficking offenses and to prevent children from becoming victims. The law also requires a Government Accountability Office report to Congress that would include information on federal and state law enforcement agencies' efforts to combat human trafficking as well as information on federal anti-trafficking grant programs.

This report supplements CRS Report R43917, *Domestic Human Trafficking Legislation in the 114th Congress*. For further information about trafficking, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*; and CRS Report R41878, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*.

Contents

Restoring Victims: Services and Benefits 3
Adequacy of Services for Victims 3
Certification 5
Job Corps Program 5
Restitution and Forfeiture 5
Education and Outreach 6
Criminal Justice 6
Enhanced Financial Penalties 7
Reducing Demand 7
Cyber Crimes Unit in Immigration and Customs Enforcement 8
Domestic Sex Trafficking of Children 8
Missing and Exploited Children 9
Runaway and Homeless Youth 9
Improving Investigations and Prosecutions of Child Abuse 10
Response by the Child Welfare System 10
Grant Programs for Domestic Minor Victims of Trafficking 12
Juvenile Justice 13
Other Issues 13
Inter-agency Coordination/Efficiency 13
Training 14
Sex Offender Registry 16
Rape Survivor Child Custody 16

Contacts

Author Information 17

Combatting trafficking in persons has been a major legislative priority of the 114th Congress.[1] Trafficking is a human rights concern as well as a significant area of modern day criminal activity.[2] Moreover, it involves violations of labor, public health, and human rights standards, as well as criminal law.

The United States has a varied role in human trafficking. It is "a source, transit, and destination country for men, women, transgender individuals, and children—both U.S. citizens and foreign nationals—subjected to sex trafficking and forced labor."[3] There are no current, reliable data on the total number of human trafficking victims in the United States. However, some studies provide snapshots of the victim pool by estimating specific victim populations; for instance, one study suggests that perhaps 100,000 U.S. citizen children may be victims of trafficking within the United States.[4]

Human trafficking in the United States is broadly conceptualized in two categories: sex trafficking and labor trafficking. Notably, it "can occur in both legal and illicit industries, including in commercial sex, hospitality, sales crews, agriculture, manufacturing, janitorial services, construction, shipyards, restaurants, health and elder care, salon services, fairs and carnivals, peddling and begging, and domestic service."[5] The United States initiates more investigations and prosecutes more individuals for sex trafficking than for labor trafficking offenses.[6]

Noncitizens are more susceptible than U.S. citizens to labor trafficking,[7] and more foreign victims[8] are found in labor trafficking than in sex trafficking.[9] Although labor trafficking can

[1] For example, in the first few weeks of the Congress, the House passed more than 12 bills aimed at combating domestic human trafficking. These include the Stop Exploitation Through Trafficking Act of 2015 (H.R. 159), Justice for Victims of Trafficking Act of 2015 (H.R. 181), To Improve the Response to Victims of Child Sex Trafficking (H.R. 246), Stop Advertising Victims of Exploitation Act of 2015 (SAVE Act, H.R. 285), Human Trafficking Prevention, Intervention, and Recovery Act of 2015 (H.R. 350), Human Trafficking Prevention Act (H.R. 357), Trafficking Awareness Training for Health Care Act of 2015 (H.R. 398), Human Trafficking Detection Act of 2015 (H.R. 460), Enhancing Services for Runaway and Homeless Victims of Youth Trafficking (H.R. 468), Strengthening Child Welfare Response to Trafficking Act of 2015 (H.R. 469), Human Trafficking Prioritization Act (H.R. 514), and International Megan's Law to Prevent Demand for Child Sex Trafficking (H.R. 515). The Justice for Victims of Trafficking Act of 2015 (JVTA; S. 178) incorporated provisions from 10 of these bills (all except H.R. 514 and H.R. 515), and President Obama signed it into law (P.L. 114-22) on May 29, 2015. This report supplements CRS Report R43917, *Domestic Human Trafficking Legislation in the 114th Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

[2] U.S. Department of State, *Trafficking in Persons Report, 2014*, June 2014.

[3] U.S. Department of State, *Trafficking in Persons Report, 2015*, July 2015, p. 352.

[4] For a discussion of the estimates of U.S. citizen children who are victims of trafficking, see CRS Report R41878, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

[5] U.S. Department of State, *Trafficking in Persons Report, 2015*, July 2015, p. 352.

[6] Ibid., p. 353.

[7] Human Smuggling and Trafficking Center, *Domestic Human Trafficking: An Internal Issue*, pp. 3-6.

[8] Foreign victims do not include lawful permanent residents (LPRs). LPRs are foreign nationals who live permanently in the United States and are also called immigrants. For the purposes of discussing trafficking victims in the United States, LPRs are grouped with U.S. citizens.

[9] For instance, migrant labor camps tend to be common settings for labor exploitation and domestic trafficking. Domestic human trafficking of migrant labor primarily occurs in the southeast and central regions of the United States, although such activity has been identified in other places. Human Smuggling and Trafficking Center, *Domestic Human Trafficking: An Internal Issue*, pp. 3-6.

happen to U.S. citizens, significantly more U.S. citizens are found in sex trafficking.[10] Research also indicates that most of the victims of sex trafficking into and within the United States are women and children.

Defining Human Trafficking

Federal statutes do not formally define human trafficking or trafficking in persons. Instead, the Trafficking Victims Protection Act (P.L. 106-386 as amended) defines "severe forms of trafficking in persons" to mean (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.[11] There appears to be a consensus among experts that the prostitution of minors fits the definition of "severe forms of trafficking in persons" as defined under the TVPA.

The TVPA provides other definitions relevant to trafficking:

- "Sex trafficking": the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
- "Victim of Trafficking": a person subjected to an act or practice described under the definitions of "severe forms of trafficking in persons" or "sex trafficking."
- "Commercial Sex Act": any sex act on account of which anything of value is given or received by any person.
- "Coercion": (1) threats of serious harm to or physical restraint against any person; (2) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm or physical restraint against any person; or (3) the abuse or threatened abuse of the legal process.

U.S. efforts to counter trafficking in persons include protection for victims, education of the public, and the investigation and prosecution of trafficking offenses.

- Several departments (the primary being the Departments of Justice [DOJ], Health and Human Services [HHS], and Labor [DOL]) have programs, or administer grants to other entities, that provide victim assistance tailored to trafficking victims. Such assistance may include temporary housing, independent living skills, cultural orientation, transportation, job training, mental health counseling, and legal assistance.
- A number of federal agencies administer public awareness campaigns on identifying human trafficking victims. The Department of Homeland Security's (DHS's) Blue Campaign is one such example.[12]
- The majority of cases investigated at the federal level are handled by agents in DOJ's Federal Bureau of Investigation (FBI) and DHS's U.S. Immigration and Customs Enforcement (ICE), who coordinate with others as appropriate. These cases are prosecuted by DOJ.[13]

[10] U.S. Department of State, *Trafficking in Persons Report, 2012*, June 2012, p. 360.

[11] Section 103(8) of Div. A of P.L. 106-386, Victims of Trafficking and Violence Protection Act of 2000; approved October 28, 2000; 22 U.S.C. §7102.

[12] For more information, see http://www.dhs.gov/blue-campaign.

[13] The cases are prosecuted by the U.S. Attorneys Offices, "as well as by two specialized units—the Civil Rights Division's Human Trafficking Prosecution Unit (HTPU), which oversees prosecutions involving labor trafficking and sex trafficking of adults, and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), which specializes in prosecuting child sex trafficking and child sex tourism." U.S. Department of State, *Trafficking in Persons Report 2014*, June 2014, p. 398. See also U.S. Department of State, *Trafficking in Persons Report, 2015*, July 2015.

Congress began legislating to counter domestic human trafficking more than a decade ago. The Trafficking Victims Protection Act of 2000 (TVPA; Division A of P.L. 106-386) and its four reauthorizations (TVPRAs)[14] have collectively aimed to reduce human trafficking within the United States. They have established grant programs for victims and law enforcement, strengthened criminal laws, and provided for oversight on the effectiveness and implications of U.S. policies on countering human trafficking. Countering human trafficking has also been a prolific area of legislative activity for the 114th Congress. Notably, the Justice for Victims of Trafficking Act of 2015 (JVTA; P.L. 114-22) was signed into law on May 29, 2015.

This report discusses domestic human trafficking issues addressed by the JVTA. The issues are grouped under the following themes: (1) restoring victims through services and benefits, (2) criminal justice, (3) domestic sex trafficking of children, and (4) other issues that include inter-agency coordination, training, sex offender registration, and children conceived through rape. The report supplements CRS Report R43917, *Domestic Human Trafficking Legislation in the 114th Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

Restoring Victims: Services and Benefits

In general, the trafficking business feeds on continuing demand and conditions of vulnerability such as youth, gender, poverty, and social exclusion. Actors engaged in human trafficking range from family-run organizations to sophisticated transnational organized crime syndicates. Trafficking victims are often subjected to mental and physical abuse in order to control them. Abuse may include debt bondage, social isolation, removal of identification cards and travel documents, violence, and threat of reprisals against the victims or their families.[15]

A major aspect of U.S. anti-trafficking efforts is victim assistance—providing immediate services when victims are identified and helping them recover from the victimization. The JVTA seeks to improve services to victims.

Adequacy of Services for Victims

One issue surrounding U.S. policy to combat human trafficking is whether the United States provides equal treatment of all victims—foreign nationals and U.S. citizens, including victims of labor trafficking and sex trafficking. There is confusion over whether U.S. citizens, as well as noncitizens, are eligible for services under all the anti-trafficking grant programs authorized by the TVPA, and whether Congress has provided funding for programs that target U.S. citizen and lawful permanent resident (LPR) victims.[16] Under the TVPA, DOJ, HHS, and DOL have

[14] Prior to the most recent authorization in 2013 (Title XII of P.L. 113-4), the TVPA was reauthorized in 2003 by the Trafficking Victims Reauthorization Act of 2003 (P.L. 108-193); in 2005 by the Trafficking Victims Reauthorization Act of 2005 (P.L. 109-164); and in 2008 by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457). Other legislation has included anti-trafficking provisions. For a discussion of anti-trafficking legislation, see Appendix A in CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana W. Rosen.

[15] CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana W. Rosen.

[16] Under the TVPA, "noncitizen victims" refers to victims of human trafficking in the United States who are either on temporary visas or are illegally present (i.e., unauthorized aliens). It does not include LPRs. References to U.S. citizen trafficking victims include LPR victims.

programs or administer grants to other entities to provide services to trafficking victims.[17] Only the DOJ and HHS programs receive specified funding for trafficking victims services.

A related issue is the overall amount of funding for victims' services, especially as the focus on sex trafficking is broadening to include minor sex trafficking victims in the United States who are U.S. citizens. Between FY2002 and FY2013, Congress appropriated approximately $20 million each year for victims' services, and the amount was increased to approximately $28 million in FY2014 and approximately $58 million in FY2015.[18] Despite the recent increases in funding, nongovernmental organizations (NGOs) report federal funding for victims' services remains insufficient to address the myriad needs of individual victims.[19]

The 113th Congress amended certain grant programs through the 2013 reauthorization of the Violence Against Women Act (VAWA, P.L. 113-4) so that sex trafficking victims would be eligible for victims' services programs. These changes include

- clarifying that victims' services and legal assistance under VAWA[20] include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking *who are also victims of severe forms of trafficking in persons*;[21]
- amending the purpose for grants to tribal governments to combat violence against women to include sex trafficking and creating a new purpose area to provide services to address the needs of youth who are victims of several crimes, including sex trafficking;
- creating a new tribal coalition grant program (administered by DOJ) that, among other purposes, seeks to enhance access to essential services for Indian women victimized by domestic and sexual violence, including sex trafficking; and to assist Indian tribes in developing and promoting state, local, and tribal laws and policies that enhance best practices for responding to violent crimes against Indian women, including sex trafficking;[22] and
- amending the authorization for grants for state and local law enforcement's anti-trafficking programs focusing on U.S. citizen victims[23] so that these grants can be used for noncitizen victims as well.[24]

[17] In addition, the Legal Services Corporation (LSC) has instructed its lawyers to provide legal assistance to trafficking victims. The LSC, established by Congress, is a private, nonprofit, federally funded corporation that helps provide legal assistance to low-income people in civil (i.e., noncriminal) matters. For an overview of the LSC, see CRS Report RL34016, *Legal Services Corporation: Background and Funding*, by Carmen Solomon-Fears.

[18] Between FY2009 and FY2013, HHS used all of its appropriated money on services for trafficking victims before the end of the fiscal year—and all of the services were provided to noncitizen victims.

[19] U.S. Department of State, *Trafficking in Persons Report 2015*, July 2015, p. 354.

[20] For more on these grants, see CRS Report R42499, *The Violence Against Women Act: Overview, Legislation, and Federal Funding*, by Lisa N. Sacco.

[21] Under these provisions, "severe forms of trafficking in persons" is defined under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

[22] For more on these grants, see CRS Report R42499, *The Violence Against Women Act: Overview, Legislation, and Federal Funding*, by Lisa N. Sacco.

[23] This grant program was created in P.L. 109-164, §204 (42 U.S.C. §14044c(d)).

[24] The grant program was also modified so that funding is available for victim identification training and prioritizing cases involving minor victims of sex trafficking.

The JVTA clarifies that DOJ grants for trafficking victims' services could be used to provide housing. It also requires, beginning in FY2017, that the Secretary of HHS make grants for a national communications system to help victims of severe forms of trafficking communicate with service providers. In addition, the law provides additional rights for victims of federal crime, including the right to be informed in a timely manner of court agreements and, with some exceptions, to be informed about certain victims' services.

Certification

Under the TVPA, noncitizen victims of trafficking are certified as victims by HHS, which makes them eligible for certain services.[25] U.S. citizen and LPR trafficking victims are not required to be certified by HHS, and indeed would not meet the criteria to be certified because certification applies only to foreign nationals who need an immigration status (e.g., T status or continued presence)[26] to remain in the United States.[27] Thus, an issue that has arisen is whether U.S. citizen and LPR victims are eligible for certain victims' services (e.g., those funded by HHS and DOL) since they do not undergo certification.[28] The JVTA clarifies that U.S. citizen and LPR victims of trafficking are not required to be certified by HHS in order to be eligible for HHS-provided services for trafficking victims.[29]

Job Corps Program

Job Corps is an employment and job training program for 16- to 24-year-olds that is administered by DOL.[30] The JVTA amends the Workforce Innovation and Opportunity Act (which superseded the Workforce Investment Act as of July 1, 2015) to specify that victims of a severe form of trafficking (as defined in the TVPA) do not need to meet the income requirement to be eligible for the Job Corps program.[31]

Restitution and Forfeiture

Victims of human trafficking often suffer injuries that can affect them for the rest of their lives. Medical care, psychological treatment, job training, and more may be necessary to assist victims

[25] The programs in the TVPA for noncitizen victims were created in part because under the law noncitizen victims are statutorily ineligible for many public benefits (e.g., Medicaid, housing assistance). For a discussion of noncitizen eligibility for public benefits, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends*, by Ruth Ellen Wasem.

[26] T status or T visas are given to victims of severe forms of trafficking who meet certain requirements. Continued presence is not an immigration status; it refers to the Secretary of DHS' discretionary authority to use a variety of statutory and administrative mechanisms to ensure the alien's continued presence in the United States. For more on T status and continued presence, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana W. Rosen.

[27] Before certification, however, victims are eligible for services that are funded by DOJ.

[28] Under the TVPA, certification appears to be required for victims receiving services through HHS and DOL. For an in-depth discussion of this issue, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana W. Rosen.

[29] TVPA §107(f); 22 U.S.C. 7105(f).

[30] For further information about the Job Corps program, see CRS Report R40929, *Vulnerable Youth: Employment and Job Training Programs*, by Adrienne L. Fernandes-Alcantara.

[31] One of the eligibility requirements for the Job Corps program is that the applicant is a low-income individual. Section 144 of the Workforce Innovation and Opportunity Act (P.L. 113-128).

in recovering.[32] Preexisting law allowed a victim of peonage, slavery, or trafficking in persons to bring a civil action against his/her perpetrator and obtain civil remedies. The JVTA requires the Attorney General to collect and tabulate data on mandatory restitution orders (the TVPA requires the court to order restitution—paid by the defendant to the victim—for any crime of peonage, slavery, or trafficking in persons); these data should include demographic information on the perpetrators. In addition, it requires the Attorney General to use the proceeds generated by trafficking-related forfeitures to satisfy unfulfilled restitution orders entered for the benefit of trafficking victims. It also requires DOJ to provide training for certain court officers to assist victims in seeking restitution. (See the "Training" section.)

Education and Outreach

The JVTA directs DOJ to make available, via the website for the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a database for trafficking victim stakeholders on (1) counseling and hotline resources, (2) housing resources, (3) legal assistance, and (4) other services for trafficking survivors. Such stakeholders include trafficking victim advocates, crisis hotline personnel, foster parents, law enforcement personnel, and crime survivors.

Criminal Justice

While the United States has a number of statutes that can and have been used to combat human trafficking, law enforcement and policymakers remain interested in ways to enhance investigations and prosecutions of individuals who commit trafficking offenses. In general, federal law enforcement has targeted criminal networks that may involve individuals operating in a number of capacities.

In an effort to help law enforcement combat the advertising side of commercial sexual exploitation, the JVTA permits the prosecution of traffickers if they know or recklessly disregard the fact that those whose services they advertise are coerced, deceived, or under age. For-profit advertisers, including website operators, may not be prosecuted based only on reckless disregard; they must *know* that those being advertised are coerced, deceived, or under age.

The JVTA expands the ability of federal, state, and local prosecutors to obtain wiretap orders from courts for certain investigations by including additional trafficking-related offenses as allowable investigations. It also expands law enforcement's "toolbox" for prosecuting individuals who travel interstate or internationally to engage in commercial sexual activity with a child. It modifies the affirmative defense that defendants enjoy in such cases to require that they prove by "clear and convincing evidence," rather than the less demanding "preponderance of the evidence" standard, that they reasonably believed the child was an adult.[33] In addition, the JVTA clarifies that the U.S. Marshals Service has the authority to help (upon request) federal, state, and local law enforcement agencies in locating and recovering missing children.

The JVTA also makes changes to increase financial penalties for traffickers and heighten the federal response to trafficking offenses.

[32] Polaris Project and the Law Firm of Fulbright & Jaworski L.L.P., *Maximizing Restitution Awards for Labor and Sex Trafficking Victims, A Guide for Federal Prosecutors and Pro Bono Attorneys*, 2013, p. 5.

[33] It amends 18 U.S.C. §2423(g).

Enhanced Financial Penalties

The JVTA imposes an additional $5,000 penalty assessment on anyone convicted of offenses including peonage, slavery, or trafficking in persons; sexual abuse; sexual exploitation and other child abuse; transportation for illegal sexual activity; and certain human smuggling offenses. These monies are to be deposited into a Domestic Trafficking Victims' Fund (established by the act). The fund is to be administered by the Attorney General, in consultation with the Secretary of HHS. Money from the fund may be used from FY2016 through FY2019 to support certain existing grant programs authorized by the TVPA[34] or to enhance programming for victims of child pornography served under the Victims of Child Abuse Act.[35] However, the act prohibits the use of monies from the fund for medical items or health care or services. Instead, an amount equal to that collected by the special assessments is to be transferred into the fund from money appropriated for community health centers (but not less than $5 million or more than $30 million);[36] these funds may be used for grants supporting medical items or health care or services for victims served under the previously referenced TVPA grant programs and victims of child pornography.

Reducing Demand

Experts widely agree that any efforts to reduce the prevalence of trafficking should address not only the supply but also the *demand*.[37] While statutes exist to allow federal law enforcement to prosecute the buyers of commercial sex, federal legislation has focused more extensively on penalizing the traffickers and placed less emphasis on the buyers. To increase focus on combating the demand for sex trafficking, the JVTA explicitly prohibits the patronizing or soliciting of commercial sex (or benefiting from these activities).[38] It also clarifies that federal prosecutors do not need to prove that a defendant *both* knew *and* disregarded the fact that a victim had not yet attained 18 years of age. In addition, the law requires the Attorney General, within 180 days of its enactment, to ensure that working groups and task forces within the Violent Crimes Against Children program (which includes the Innocence Lost National Initiative) [39] work to enhance the capabilities of state and local law enforcement to detect, investigate, and prosecute individuals who patronize or solicit children for sex. The JVTA also requires the Bureau of Justice Statistics to report annually on statistics related to the arrest and prosecution of buyers.

---

[34] This includes DOJ grants to state and local law enforcement agencies to establish, develop, expand, or strengthen programs to respond to trafficking (42 U.S.C. 14044c); DOJ grants to states, Indian tribes, local governments, and nonprofit, nongovernmental victims' services organizations to develop, expand, or strengthen service programs for victims of trafficking in the United States (22 U.S.C. 7105(b)(2); and HHS and DOJ (in consultation with the Department of Labor) grants to assist U.S. citizens and legal permanent residents (LPRs) who are victims of severe forms of trafficking.

[35] These are victims served under the children's advocacy center program (42 U.S.C. 14044c).

[36] 42 U.S.C. § 254b-2(b)(1)(E).

[37] Polaris Project, *Why Trafficking Exists*, http://www.polarisproject.org/human-trafficking/overview/why-trafficking-exists. The Polaris Project is a nonprofit organization that works on human trafficking issues. See also Shared Hope International, *DEMAND. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, 2007.

[38] It amends the criminal code concerning sex trafficking of children: 18 U.S.C. §1591.

[39] The Innocence Lost National Initiative is a partnership between the FBI, DOJ's Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children (NCMEC) that develops task forces and working groups to recover children who are prostituted and prosecutes the perpetrators of child sex trafficking. NCMEC is a nonprofit, federally funded organization that operates the national clearinghouse on missing and sexually exploited children. For more on the Innocence Lost Initiative, see Federal Bureau of Investigation, *Violent Crimes Against Children – Innocence Lost*, http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost.

Cyber Crimes Unit in Immigration and Customs Enforcement

The JVTA requires the Secretary of Homeland Security to operate a Cyber Crimes Center (the Center) within ICE to provide investigative assistance, training, and equipment support to ICE's domestic and international investigations of cyber-related crimes. Notably, this codifies the already existing Center within ICE. Within the Center there is a Child Exploitation Investigations Unit (CEIU), Computer Forensics Unit (CFU), and Cyber Crimes Unit (CCU). The CEIU is charged with coordinating all ICE child exploitation initiatives and investigations into child exploitation, child pornography, child victim identification, child sex tourism, and forced child labor. The CEIU also provides training, technical expertise, and support, as needed, to law enforcement agencies and personnel; support and counseling services to ICE personnel engaged in child exploitation prevention; and outreach and training activities. The CEIU collects and maintains data regarding law enforcement activities of ICE, and is required to produce reports using these data.

The CFU, among other duties, provides technical and digital forensics to ICE personnel (and, subject to available funding, other federal, state, local, tribal, military, and foreign law enforcement agencies), and researches and develops digital forensics capabilities. The CCU oversees ICE's cyber security strategy and operations and enhances ICE's ability to combat criminal enterprises operating on or through the Internet. The JVTA authorizes the CEIU, CFU, and CCU to collaborate with the Department of Defense and National Association to Protect Children to recruit, train, and hire wounded, ill, and injured veterans and transitioning servicemembers.

Domestic Sex Trafficking of Children

Domestic sex trafficking of children is trafficking within the United States involving a commercial sex act in which the person induced to perform such act has not attained 18 years of age.[40] Regardless of whether a child is believed to have consented to sex or whether the child represents himself/herself as an adult, the child is considered a trafficking victim under federal law. The exact number of child victims of sex trafficking in the United States is unknown because of challenges in defining the population and varying methodologies used to arrive at estimates. Most of the victims are thought to be U.S. citizens and LPRs.[41]

Commercial sexual exploitation of children appears to be fueled by a variety of individual (e.g., homelessness or history of child abuse), relationship (e.g., family conflict or dysfunction), community (e.g., peer pressure or gang involvement), and societal (e.g., sexualization of children) variables.[42] These factors may interact in ways that can increase the risk of exploitation. As part of its 2013 report on child sex trafficking, the National Academy of Sciences recommended that multiple stakeholders—such as the federal government, state and local governments, academic

[40] For more information on sex trafficking of children in the United States, see CRS Report R41878, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

[41] Linda A. Smith, Samantha Headly Vardaman, and Melissa A. Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, Shared Hope International, May 2009. (Hereinafter Linda A. Smith, Samantha Healy Vardaman, and Melissa A. Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*).

[42] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, National Academy of Sciences, 2013, pp. 42-43.

and research institutions, foundations and nongovernmental organizations, and the commercial sector—collaborate to address this issue.[43]

The JVTA addresses sex trafficking of children through changes to a few policy areas, including missing and exploited children, runaway youth, the child welfare system, and juvenile justice.

Missing and Exploited Children

The Missing and Exploited Children's (MEC) program, administered by DOJ, authorizes supports for children who are missing and/or sexually exploited. The Missing Children's Assistance Act requires DOJ to provide an annual grant to the National Center for Missing and Exploited Children (NCMEC), which serves as a clearinghouse for assisting law enforcement and other stakeholders in responding to cases involving these children.[44]

The JVTA makes changes to the Missing Children's Assistance Act. That act directed NCMEC to operate a tipline for online users and electronic service providers to report Internet-related child sexual exploitation. It outlined eight categories that can be reported to the tipline (referred to as the CyberTipline), including child prostitution. The JVTA strikes "child prostitution" and replaces it with "child sex trafficking, including child prostitution." In practice, NCMEC already referred to this category as "child sex trafficking."[45]

The JVTA separately amended the Crime Control Act of 1990 concerning reporting children to the federal National Crime Information Center (NCIC) Missing Person File. The NCIC is a digital index of information on crimes and criminals that is maintained by the FBI. The JVTA requires law enforcement agencies submitting information to NCIC on a missing child to include a recent photograph and to notify NCMEC of each report that relates to a child reportedly missing from foster care. The JVTA also changes the period of time for verifying and updating records of missing children from 60 days to 30 days. The law further specifies that the record be updated, where available, with a photograph taken within 180 days of the original entry into the NCIC and the state law enforcement database. In addition, the applicable state law enforcement agency must notify NCMEC of each report that relates to a child reportedly missing from foster care. The state law enforcement agency must grant permission to the NCIC Terminal Contractor[46] for the state to update the missing person record in the NCIC with additional information on the missing child that is learned during the investigation.

Runaway and Homeless Youth

The Runaway and Homeless Youth program is administered by HHS and authorized under the Runaway and Homeless Youth Act. The act funds organizations throughout the country to provide

[43] Ibid, pp. 337-342.

[44] The MEC program supports a range of activities authorized under the Missing Children's Assistance Act and other laws. For further information, see CRS Report RL34050, *Missing and Exploited Children: Background, Policies, and Issues*, by Adrienne L. Fernandes-Alcantara.

[45] See NCMEC, "CyberTipline," http://www.missingkids.com/cybertipline/.

[46] It appears that the language may be referring to a Contracting Government Agency (CGA) that enters into an agreement with a private contractor, subject to Department of Justice (DOJ) policies on security. The CGA entering into an agreement with a contractor is to appoint an agency coordinator. See DOJ, Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division, *Criminal Justice Information Services (CJIS) Security Policy version 5.3*, August 4, 2014, http://www.fbi.gov/about-us/cjis/cjis-security-policy-resource-center/view.

services to youth who have run away and/or experienced homelessness. It also supports research, evaluations, and technical assistance for grantees.[47]

The JVTA amends provisions in the Runaway and Homeless Youth Act on grants for research, evaluation, demonstration, and service projects. Specifically, the law expands on the types of research and other projects that HHS should prioritize, including projects that address staff training on (1) the behavioral and emotional effects of severe forms of trafficking (both sex and labor trafficking), (2) responding to youth showing effects of such trafficking victimization, and (3) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized, including victims of sex trafficking. By referencing the TVPA definitions of "severe forms of trafficking in persons" and "sex trafficking," the law encompasses child and adult victims of sex and labor trafficking.

Improving Investigations and Prosecutions of Child Abuse

Subtitle A of the Victims of Child Abuse Act supports improving the investigation and prosecution of child abuse through the expansion and improvement of Children's Advocacy Centers (CACs). In addition, it provides for related technical assistance and training, including training for attorneys or others involved in the prosecution of child abuse.[48] CACs are intended to coordinate a multidisciplinary response to child abuse (e.g., law enforcement, child protection/social service, medical, mental health) in a manner that ensures child abuse victims (and any nonoffending family members) receive the support services they need and do not experience added trauma as a result of the investigation of child abuse. CACs are located in all 50 states and the District of Columbia.[49]

The JVTA amends Subtitle A of the Victims of Child Abuse Act by expanding the definition of "child abuse" used by CACs—physical or sexual abuse or neglect of a child—to include the production of child pornography[50] and human trafficking. The law also enables DOJ to make grants under the CAC program for the development and implementation of specialized programs to identify and provide direct services to victims of child pornography.

As mentioned, the JVTA establishes a Domestic Trafficking Victims' Fund. The law directs the Attorney General, in coordination with the HHS Secretary, to use the amounts available in the fund to, among other things, award grants or enhance victim programming provided through grants for CACs (and specified activities under the Trafficking Victims Protection Act). Of the amounts available in the fund, and assuming enough funds are available in a given fiscal year, not less than $2 million may be used for such services.

Response by the Child Welfare System

State and local child welfare agencies are responsible for carrying out child welfare policies that are intended to promote the safety, well-being, and permanency of all children. Child victims of sex trafficking may come to the attention of a child welfare agency if they are reported to an agency's child protective services (CPS) hotline. Children in foster care—who are placed out of

[47] For further information about the Runaway and Homeless Youth program, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics and Programs*, by Adrienne L. Fernandes-Alcantara.

[48] 42 U.S.C. §§13001 – 13005.

[49] For further information about Children's Advocacy Centers, see CRS Report R43458, *Child Welfare: An Overview of Federal Programs and Their Current Funding*, by Emilie Stoltzfus.

[50] The production of child pornography for profit could be a human trafficking violation.

their homes typically due to abuse or neglect by their parents or caregivers—may be vulnerable to trafficking. Youth who run away from foster care are perceived to be especially susceptible to this type of victimization. The capacity for state and local child welfare agencies to respond to the needs of sex trafficking victims is believed to be limited. This may be due, in part, to inadequate training, insufficient resources, high caseloads, and the perception that victims should be handled in the juvenile justice system.[51] In addition, states may not have mechanisms in place to "screen in" cases involving a child who is sex trafficked because the perpetrator involved is not the child's parent or caregiver as these terms are defined under state law.[52]

The JVTA seeks to ensure that initial investigation and assessment of child trafficking reports occurs. It does so through the state grants program under Section 106 of the Child Abuse Prevention and Treatment Act (CAPTA); of note, funding for CAPTA state grants is provided to help states improve their CPS systems and may be used for a range of purposes specified in the law.[53] The JVTA adds that the CAPTA state plans must include provisions and procedures related to sex trafficking of children.[54] Specifically, such provisions and procedures must address (1) identifying and assessing reports involving children who are known or suspected victims of sex trafficking and (2) training state child protective services workers about identifying, assessing, and providing comprehensive services to such children (including efforts to coordinate with state law enforcement officials, the state juvenile justice system, and social service agencies such as runaway and homeless youth shelters). State child welfare agencies are also required to include the number of children identified as sex trafficking victims in their annual data reports to HHS, as required by CAPTA.

Separately, the JVTA defines child sex trafficking victims as victims of "child abuse and neglect" and "sexual abuse" for purposes of CAPTA.[55] States that receive state grant funds under CAPTA must define "child abuse and neglect" to be consistent with the CAPTA definition. All states receive CAPTA state grants, and have such definitions. The term "child" is defined in CAPTA as an individual under age 18, except that in the case of sexual abuse the age is specified by the child protection law of the state where the child resides. The JVTA enables states to define "child" as

[51] Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, eds., *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United* States, National Academy of Sciences, pp. 186, 237-241.

[52] For further information, see CRS Report R41878, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

[53] To see CAPTA as it is included in current law, see HHS, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau website, "The Child Abuse Prevention and Treatment Act, Including Adoption Opportunities & The Abandoned Infants Assistance Act," http://www.acf.hhs.gov/sites/default/files/cb/capta2010.pdf. To be eligible to receive federal CAPTA state grant funds, a state must submit a plan to HHS containing assurances that it has a statewide law or program to receive and respond to allegations of child abuse or neglect, ensure children's safety, and provide appropriate referrals; and to have in place other procedures to respond to abused and neglected children. See §106(b)(2)(B) of CAPTA.

[54] The changes made by P.L. 114-22 go into effect on May 29, 2017.

[55] The CAPTA definition of "child abuse and neglect" is, at a minimum, "any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act that presents an imminent risk of serious harm." The CAPTA definition of sexual abuse is "the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children." P.L. 114-22 requires that the child be identified by a state or local agency employee of the state or locality involved as being a victim per the definition of "sex trafficking" (22 U.S.C. 7102(10)) or a victim of a "severe form of trafficking in persons" as that term pertains to victims of sex trafficking (22 U.S.C. 7102(9)(A).

an individual under the age of 24 for the purpose of defining victims of child sex trafficking as victims of "child abuse and neglect" and "sexual abuse."

Grant Programs for Domestic Minor Victims of Trafficking

One overriding issue concerning minor victims of sex trafficking is the extent to which federal agencies can and do provide services to these victims who are U.S. citizens or LPRs. The 2013 TVPA reauthorization (P.L. 113-4) created a discretionary grant program for child sex trafficking victims.[56] The grant program authorizes DOJ, in consultation with HHS, to award one-year grants to six grantees to combat sex trafficking of children in the United States. Of the grant amounts, at least 67% must be allocated to nongovernmental organizations (NGOs) to provide counseling, legal services, shelter, clothing, and other social services to victims, while not less than 10% must be allocated to provide services to victims or training for service providers on sex trafficking of children.[57]

Likewise, the JVTA authorizes the Attorney General to make grants to an eligible entity to develop, improve, or expand domestic child human trafficking deterrence programs designed to aid victims while investigating and prosecuting the trafficking offenses. This includes both sex and labor trafficking. An eligible entity is a state or unit of local government that meets specified criteria.[58] Generally, the grants may be used to (1) establish or enhance specialized training programs on the prevention of child trafficking for law enforcement, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel; (2) establish law enforcement and prosecution units and task forces dedicated to fighting trafficking of children; (3) establish or enhance court programs to assist child trafficking victims; and (4) fund activities of law enforcement agencies to find homeless and runaway youth, including the salaries and associated expenses for retired federal law enforcement officers assisting the law enforcement agencies in finding these youth.[59] The JVTA authorizes DOJ to use the Domestic Trafficking Victims' Fund (established by the act) to carry out these grants.[60]

---

[56] This grant program replaced the HHS grant program for states; Indian tribes; units of local government; and nonprofit, nongovernmental victims' service organizations to provide assistance programs for U.S. citizen or LPR trafficking victims created in P.L. 109-164 (§202).

[57] Funds can also be used for training for law enforcement; investigative and prosecution expenses; case management; salaries for law enforcement officers and state and local prosecutors; and outreach, education, and treatment programs.

[58] The criteria are that the state or unit of local government

1. has significant criminal activity involving child human trafficking;
2. has demonstrated cooperation between federal, state, local, and, if applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;
3. has developed a workable, multi-disciplinary plan to combat child human trafficking; and
4. provides an assurance that a victim of child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services.

[59] This grant program would replace a pilot program to create residential treatment facilities for juvenile trafficking victims in the United States. The pilot program, which was established in the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164), was never funded.

[60] No more than $7 million may be used for this purpose in each of FY2016 through FY2020. The federal government may pay up to 70% of the cost of a state or local deterrence program in the first year, 60% in the second year, and 50% in the third year and in all subsequent years. The law further directs DOJ to audit the grantees every year to prevent waste, fraud, and abuse of the grant monies and to contract with a nongovernmental organization to conduct periodic evaluations of grants awarded.

Juvenile Justice[61]

Under the TVPA, the federal government treats individuals under the age of 18 who are involved in commercial sexual activity as victims rather than perpetrators,[62] and victims are eligible for specialized services. The same is not always true at the state level; at times, minors involved in commercial sexual activity may be labeled as child prostitutes or juvenile delinquents and treated as criminals rather than being labeled and treated as victims.[63]

The 2013 TVPA reauthorization (P.L. 113-4) specified that the model state anti-trafficking laws created by the Attorney General should include safe harbor provisions that treat an individual under 18 years of age who has been arrested for prostitution as a victim of a severe form of trafficking. It should also prohibit the prosecution of such a person and refer him/her to service providers who provide assistance to victims of commercial sexual exploitation.

The JVTA incentivizes states to enact safe harbor laws that would (1) treat each minor involved in commercial sexual activity as a victim of a severe form of trafficking in persons, (2) discourage the charging and prosecution of these minors for prostitution or sex trafficking offenses, and (3) encourage the diversion of these minors to child protection services. It allows DOJ to give community policing grants preference to applicants from states that have adopted safe harbor laws.[64]

Other Issues

Inter-agency Coordination/Efficiency

There have been concerns about possible duplication of efforts and a lack of coordination among the agencies that conduct anti-trafficking activities, and whether the fact that so many agencies are involved with anti-trafficking policy leads to duplication or funds not being used in the most efficient manner.[65] The TVPA, as amended, established both the President's Interagency Task Force to Monitor and Combat Trafficking (PITF) and the Senior Policy Operating Group (SPOG) in part to facilitate coordination on anti-trafficking policy across U.S. government agencies to ensure that there is not a duplication of efforts.[66] In addition, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) requires HHS to establish, by September 2016, the

[61] For more information, see CRS Report R43677, *Juvenile Victims of Domestic Sex Trafficking: Juvenile Justice Issues*, by Kristin Finklea.

[62] 18 U.S.C. §1591(a).

[63] See, for example, Linda A. Smith, Samantha Healy Vardaman, and Melissa A. Snow, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*.

[64] For more information about DOJ's community policing grants, see CRS Report RL33308, *Community Oriented Policing Services (COPS): In Brief*, by Nathan James.

[65] At a 2011 hearing on the TVPA reauthorization, the then-ranking Member of the Senate Judiciary Committee, Senator Charles Grassley, stated: "[I] feel that the bill ought to be reauthorized. But I make a point of saying that we have a terrible budget situation and it requires that we take a close look at how some of this money is spent." U.S. Congress, Senate Committee on the Judiciary, *The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking*, 112th Cong., 1st sess., September 14, 2011.

[66] The PITF is a Cabinet-level entity that consists of 14 departments and agencies across the federal government that are responsible for coordinating U.S. government-wide efforts to combat trafficking in persons. The SPOG is comprised of the senior officials designated as representatives of the PITF members. See Department of State, "President's Interagency Task Force to Monitor and Combat Trafficking in Persons," accessed January 29, 2015, http://www.state.gov/j/tip/response/usg/.

National Advisory Committee on Sex Trafficking of Children and Youth in the United States to improve the nation's response to sex trafficking and develop best practices and recommendations for states to combat sex trafficking of children, among other duties.

The federal government does not currently have a national strategy broadly directed at combating human trafficking.[67] The JVTA directs the President's Interagency Task Force to Monitor and Combat Trafficking to conduct a review of human trafficking prevention within the United States. The report is to include (1) a catalog of the U.S. government's efforts to prevent individuals from committing trafficking offenses and prevent children from becoming victims; (2) a survey of the literature related to deterring individuals from trafficking and preventing children from becoming victims; (3) identification of best practices related to preventing human trafficking of children; and (4) identification of gaps in research and data that would be helpful in formulating strategies to prevent child trafficking.

The JVTA also requires a Government Accountability Office (GAO) report to Congress on each program or initiative authorized under the law and the following five statutes to determine whether any program or initiative is duplicative: (1) Trafficking Victims Protection Reauthorization Act of 2005, (2) Trafficking Victims Protection Act of 2000, (3) Victims of Child Abuse Act of 1990, (4) Runaway and Homeless Youth Act, and (5) Missing Children's Assistance Act. The report is to be submitted to the House and the Senate Judiciary Committees within 180 days of the law's enactment. The report must include a description of the cost of any duplicative program or initiative and recommendations on how to achieve cost savings with respect to each such duplicative program or initiative.

The JVTA initiates the creation of the United States Advisory Council on Human Trafficking (Council), which is to be comprised of between 8 and 14 human trafficking survivors. The Council is to serve as an advisory body to the Senior Policy Operating Group on Trafficking in Persons, reviewing federal anti-trafficking policy and programs. In addition, the Council is to serve as the point of contact for federal agencies seeking input of trafficking survivors on programs and policies. The group is to formulate assessments and recommendations to ensure that federal policies conform, to the extent practicable, to the best practices in the field of human trafficking prevention, and it is required to produce an annual report regarding its review of anti-trafficking policies and programs. The Council is to terminate at the end of FY2020.

Finally, the JVTA directs the Attorney General to implement and maintain a National Strategy for Combating Human Trafficking that includes (1) integrating federal, state, local, and tribal efforts to investigate and prosecute human trafficking cases; (2) coordinating cases within DOJ; (3) addressing annual budget priorities and federal efforts dedicated to preventing and combating human trafficking; (4) continually assessing future trends, challenges, and opportunities to enhance federal, state, local, and tribal efforts to combat human trafficking; and (5) encouraging cooperation, coordination, and mutual support between the private sector and federal agencies to combat human trafficking.

Training

While U.S. Immigration and Customs Enforcement is one of the two lead agencies responsible for human trafficking investigations,[68] personnel from several agencies within DHS may

[67] There is a strategic plan to provide *services* to victims of human trafficking. See the Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017.

[68] The other agency is the FBI.

encounter instances and victims of trafficking during the course of their regular duties.[69] For example, agents from the Transportation Security Administration (TSA) may encounter trafficking victims at airports as traffickers attempt to move the victims around the country. The JVTA directs the Secretary of DHS to implement a training program within 180 days on deterring, detecting, and disrupting human trafficking during the course of their primary roles and responsibilities for personnel from TSA, Customs and Border Protection (CBP), and any other agency that the Secretary deems appropriate. The law also requires the Secretary to ensure that such personnel regularly receive current information related to the detection of human trafficking. The Secretary is required to certify to the appropriate congressional committees no later than one year after enactment that the training has been completed. The JVTA also requires the Secretary to submit an annual report to these committees on the effectiveness of the training program required under the law, including the number of cases in which DHS personnel suspected human trafficking and the number of confirmed cases of human trafficking. The JVTA allows the Secretary to provide the training curricula to any state or local government, or any private organization to assist such entities in creating their own programs to identify human trafficking.

The JVTA requires the Attorney General to assure that each DOJ anti-trafficking program, including training programs for federal, state, or local law enforcement, includes technical training on effective measures for (1) investigating and prosecuting an individual who obtains, patronizes, or solicits a commercial sex act involving a trafficking victim; and (2) facilitating the provision of physical and mental health services to trafficking victims. It also requires that any DOJ anti-trafficking program for U.S. Attorneys or other federal prosecutors includes training on seeking restitution for trafficking offenses. In addition, it mandates that the Federal Judicial Center provide training to judges related to ordering restitution for trafficking offenses.

The JVTA amends the TVPA to include members of the Foreign Service as persons who are required to be trained on how to identify and protect trafficking victims, and it specifies minimum requirements for the training. For example, the law requires that all ambassadors and deputy chiefs of missions receive a briefing on trafficking issues prior to departing for their posts.

As noted previously, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) amended federal child welfare law to require state child welfare agencies to develop procedures needed to ensure relevant training for caseworkers. These procedures must be developed in consultation with state and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk children and youth. The JVTA similarly amends a separate child welfare law to ensure that state child welfare agencies develop provisions and procedures for training child protective services (CPS) workers about identifying and assessing children who are victims of sex trafficking.

The JVTA also requires HHS to competitively award a grant to one medical or nursing school for developing best practices for health care professionals to recognize and appropriately respond to victims of severe forms of human trafficking. This entity would be required to analyze and evaluate, in consultation with others, existing best practices for interprofessional collaboration, and develop training for health care professionals on such best practices. It also requires HHS to later disseminate the best practices identified by the medical or nursing school.

[69] For a discussion of DHS efforts related to human trafficking, see Department of Homeland Security, "Government Roles," press release, December 22, 2014, http://www.dhs.gov/government-roles. For U.S. efforts on combating human trafficking, see Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2012*, Washington, DC, July 14, 2014.

Sex Offender Registry

The Sex Offender Registration and Notification Act (SORNA)[70] provides a set of minimum standards for sex offender registration and notification in the United States.[71] It requires those convicted of federal, state, or military sex offenses to register with state or tribal authorities after they have been sentenced or after their release from prison. They must register in each jurisdiction in which they live, work, or attend school, and they must periodically update the information in the registry. In an August 2014 report, the Inspector General for the Department of Defense questioned whether SORNA provided access to information on as many military sex offenders as it should.[72]

The JVTA requires the Secretary of Defense to provide the Attorney General with information on individuals released from military corrections facilities or convicted during a court-martial without confinement, and who are required to register under SORNA. Such information is included in the National Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website.[73]

Rape Survivor Child Custody

There have been cases of a rapist suing his victim for custody of the child conceived during the rape.[74] In some cases, the rapist volunteers to surrender his parental rights if the woman refuses to testify in the criminal case.[75] While some states have statutes that allow the court to terminate the parental rights in the case of rape, others either do not have such statutes or have restrictions, such as requiring the person to be convicted of the assault before his parental rights can be terminated.[76]

The JVTA requires the Attorney General to increase grant funding under the STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program[77] and Sexual Assault Services Program[78] to states that have a law that allows the mother of a child conceived through rape to seek court-ordered termination of the parental rights of her rapist. The laws would

---

[70] Title I of the Adam Walsh Child Protection and Safety Act of 2006; P.L. 109-248.

[71] For more information about SORNA and how these standards are administered by the federal government, see the website of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office), at http://www.smart.gov/.

[72] Inspector General, U.S. Department of Defense, *Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act*, August 29, 2014.

[73] For more on sex offender registration, see CRS Report R43954, *Federal Involvement in Sex Offender Registration and Notification: Overview and Issues for Congress, In Brief*, by Lisa N. Sacco.

[74] For example, see Ed Payne and Ted Rowlands, "Child Custody Rights for Rapists? Most States Have Them," *CNN.com*, August 1, 2013.

[75] Dana Liebelson and Sydney Brownstone, "Imagine You Were Raped. Got Pregnant. Then Your Rapist Sought Custody," *Mother Jones*, August 24, 2012.

[76] "Rape and Child Custody: A Question of Proof," *The Economist*, July 19, 2014.

[77] The purpose of this formula grant program is to enhance advocacy and improve the crimes justice system's response to violence crimes against women. 42 U.S.C. §3796gg et seq and 28 C.F.R. §90. For more on this program, see CRS Report R42499, *The Violence Against Women Act: Overview, Legislation, and Federal Funding*, by Lisa N. Sacco.

[78] This program encompasses five different funding streams to (1) states and territories, (2) tribes, (3) state sexual assault coalitions, (4) tribal coalitions, and (5) culturally specific organizations. The purpose of these grants is to provide intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. 42 U.S.C. §14043g. For more on this program, see CRS Report R42499, *The Violence Against Women Act: Overview, Legislation, and Federal Funding*, by Lisa N. Sacco.

apply without regard to the age or marital status of the child's parents at the time of the offense. The increase in formula grants is allowed to be provided for a total of four two-year periods (eight years), and is equal to not more than 10% of the total amount of funding provided to the state averaged over the previous three years. Of the increased funding, 25% is for STOP grants, and 75% for the Sexual Assault Services Program. The JVTA authorizes $5 million a year for FY2015 through FY2019 for the grant increases.

Author Information

Kristin Finklea
Specialist in Domestic Security

Alison Siskin
Specialist in Immigration Policy

Adrienne L. Fernandes-Alcantara
Specialist in Social Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.