

115TH CONGRESS  
1ST SESSION

# H. R. 2473

To ensure compliance with the Justice for Victims of Trafficking Act of 2015, to make strides toward eradicating human trafficking, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2017

Mrs. WAGNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure compliance with the Justice for Victims of Trafficking Act of 2015, to make strides toward eradicating human trafficking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enforcing Justice for  
5 Victims of Trafficking Act of 2017”.

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

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

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

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

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

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



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

4 (b) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 address traumatic stress and associated mental  
2 health symptoms;

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

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

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

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

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

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

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

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