

112TH CONGRESS
1ST SESSION

H. R. 2830

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 30, 2011

Mr. SMITH of New Jersey (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Armed Services, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trafficking Victims Protection Reauthorization Act of
6 2011”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

- Sec. 101. Authority to restrict passports.
 Sec. 102. Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking.
 Sec. 103. Prevention of trafficking.
 Sec. 104. Reports to Congress.
 Sec. 105. Temporary increase in fee for certain consular services.
 Sec. 106. Additional activities to monitor and combat forced labor and child labor.
 Sec. 107. Enhancing protection for children exploited abroad by United States citizens and permanent resident aliens.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

- Sec. 201. Interagency Task Force To Monitor and Combat Trafficking.
 Sec. 202. Department of Defense Director of Anti-Trafficking Policies.
 Sec. 203. Assistance for victims of trafficking.
 Sec. 204. Ensuring timely response to requests for continued presence.
 Sec. 205. Report to Congress.

Subtitle B—Amendments to Title 18, United States Code

- Sec. 211. Renaming of basic Federal trafficking statute.
 Sec. 212. Clarifying trafficking definitions and prosecution.
 Sec. 213. Fighting sex tourism.
 Sec. 214. Identification documents.
 Sec. 215. Fraud in foreign labor contracting as a Rico Predicate.

Subtitle C—Amendments to the Immigration and Nationality Act

- Sec. 221. Harmonization of T and U visa standards.

Subtitle D—Amendments to Other Laws

- Sec. 231. Enhancing efforts to combat the trafficking of children.
 Sec. 232. Improving local efforts to combat trafficking and sexual exploitation of children.
 Sec. 233. Efforts to publicize the National Human Trafficking Resource Center hotline.
 Sec. 234. Prevention of trafficking in persons involving workers recruited abroad.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Trafficking Victims Protection Act of 2000.
 Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
 Sec. 303. Reporting requirement.

1 **TITLE I—COMBATING INTER-**
2 **NATIONAL TRAFFICKING IN**
3 **PERSONS**

4 **SEC. 101. AUTHORITY TO RESTRICT PASSPORTS.**

5 (a) IN GENERAL.—The Secretary of State is author-
6 ized to—

7 (1) limit to 1 year or such period of time as the
8 Secretary of State shall determine appropriate the
9 period of validity of a passport issued to a sex of-
10 fender; and

11 (2) revoke the passport or passport card of an
12 individual who has been convicted by a court of com-
13 petent jurisdiction in a foreign country of a sex of-
14 fense.

15 (b) LIMITATION FOR RETURN TO UNITED STATES.—
16 Notwithstanding subsection (a), in no case shall a United
17 States citizen convicted by a court of competent jurisdic-
18 tion in a foreign country of a sex offense be precluded
19 from entering the United States due to a passport revoca-
20 tion under such subsection.

21 (c) REAPPLICATION.—An individual whose passport
22 or passport card was revoked pursuant to subsection
23 (a)(2) may reapply for a passport or passport card at any
24 time after such individual has returned to the United
25 States.

1 (d) DEFINITIONS.—For purposes of this section:

2 (1) SEX OFFENDER.—The term “sex offender”
3 means an individual who is listed on the National
4 Sex Offender Registry established pursuant to sec-
5 tion 119 of the Sex Offender Registration and Noti-
6 fication Act (42 U.S.C. 16915).

7 (2) SEX OFFENSE.—The term “sex offense”
8 means a sex offense as defined in section 111(5) of
9 the Sex Offender Registration and Notification Act
10 (42 U.S.C. 16915).

11 **SEC. 102. OFFICE TO MONITOR AND COMBAT MODERN**
12 **SLAVERY AND OTHER FORMS OF HUMAN**
13 **TRAFFICKING.**

14 (a) IN GENERAL.—Section 105(e) of the Trafficking
15 Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is
16 amended—

17 (1) in the heading, by striking “OFFICE TO
18 MONITOR AND COMBAT TRAFFICKING” and insert-
19 ing “OFFICE TO MONITOR AND COMBAT MODERN
20 SLAVERY AND OTHER FORMS OF HUMAN TRAF-
21 FICKING”;

22 (2) in paragraph (1), in the first sentence, by
23 striking “Office to Monitor and Combat Traf-
24 ficking” and inserting “Office To Monitor and Com-

1 bat Modern Slavery and Other Forms of Human
2 Trafficking”; and

3 (3) in paragraph (2)(B), by striking “Office to
4 Monitor and Combat Trafficking” each place it ap-
5 pears and inserting “Office To Monitor and Combat
6 Modern Slavery and Other Forms of Human Traf-
7 ficking”.

8 (b) CONFORMING AMENDMENTS.—Any reference in
9 the Trafficking Victims Protection Act of 2000 or in any
10 other Act to the Office to Monitor and Combat Trafficking
11 or to the Director of the Office to Monitor and Combat
12 Trafficking shall be deemed to be a reference to the Office
13 To Monitor and Combat Modern Slavery and Other Forms
14 of Human Trafficking or to the Director of the Office To
15 Monitor and Combat Modern Slavery and Other Forms
16 of Human Trafficking, respectively.

17 **SEC. 103. PREVENTION OF TRAFFICKING.**

18 (a) ECONOMIC ALTERNATIVES TO PREVENT AND
19 DETER TRAFFICKING.—Section 106(a) of the Trafficking
20 Victims Protection Act of 2000 (22 U.S.C. 7104(a)) is
21 amended—

22 (1) by striking “The President” and inserting
23 the following:

24 “(1) IN GENERAL.—The President”;

1 (2) in paragraph (1) (as redesignated), by in-
2 serting “targeted” after “carry out”;

3 (3) by striking “Such initiatives” and inserting
4 the following:

5 “(2) INITIATIVES.—Such initiatives”.

6 (4) by redesignating paragraphs (1) through
7 (5) that follow paragraph (2) (as redesignated) as
8 subparagraphs (A) through (E), respectively, and in-
9 denting each such subparagraph (as redesignated)
10 four ems from the left margin;

11 (5) in paragraph (2) (as redesignated)—

12 (A) in subparagraph (A) (as redesignated),
13 by inserting “and micro-enterprise” after
14 “microcredit”;

15 (B) in subparagraph (D) (as redesignated),
16 by striking “and” at the end;

17 (C) in subparagraph (E) (as redesignated),
18 by striking the period at the end and inserting
19 “; and” ; and

20 (D) by adding at the end the following:

21 “(F) public-private partnerships to gen-
22 erate youth employment opportunities.”; and

23 (6) by adding at the end the following:

24 “(3) PRIORITY FOR POTENTIAL VICTIMS OF
25 TRAFFICKING.—In carrying out such initiatives, the

1 President may give priority to the following persons
2 who are potential victims of trafficking:

3 “(A) Stateless persons.

4 “(B) Refugees and internally displaced
5 persons.

6 “(C) Persons who lack access to legal rep-
7 resentation or are otherwise marginalized.

8 “(D) Persons from regions of limited social
9 protections or educational or economic options
10 for women, particularly persons who are victims
11 of sexual abuse or exploitation.

12 “(E) Persons from regions of high undocu-
13 mented migration or displacement resulting
14 from violent conflict or natural disasters.

15 “(F) Persons from regions with high rates
16 of child labor, child abandonment, or child sex
17 tourism.

18 “(G) Persons who meet one or more of the
19 criteria in subparagraphs (A) through (F).”.

20 (b) PREVENTION OF TRAFFICKING IN CONJUNCTION
21 WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY
22 ASSISTANCE.—Section 106(h) of the Trafficking Victims
23 Protection Act of 2000 (22 U.S.C. 7104(h)) is amended—

24 (1) by striking “The” and inserting the fol-
25 lowing:

1 “(1) INCORPORATION OF MEASURES INTO EX-
2 ISTING PROGRAMS.—The”;

3 (2) by adding at the end the following:

4 “(2) AUTHORIZATION OF ASSISTANCE TO SPE-
5 CIFICALLY ADDRESS POST-CONFLICT AND HUMANI-
6 TARIAN EMERGENCIES.—The Secretary of State,
7 acting through the Director of the Office To Monitor
8 and Combat Modern Slavery and Other Forms of
9 Human Trafficking, is authorized to provide assist-
10 ance on an urgent basis for vulnerable populations
11 at risk of severe forms of trafficking in persons in
12 conjunction with post-conflict situations and human-
13 itarian emergencies.”.

14 **SEC. 104. REPORTS TO CONGRESS.**

15 Section 110(b) of the Trafficking Victims Protection
16 Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

17 (1) in paragraph (1)—

18 (A) in the matter preceding subparagraph
19 (A), by inserting “, acting through the Director
20 of the Office To Monitor and Combat Modern
21 Slavery and Other Forms of Human Traf-
22 ficking,” after “Secretary of State”;

23 (B) in subparagraph (E), by striking
24 “and” at the end;

1 (C) by redesignating subparagraph (F) as
2 subparagraph (I); and

3 (D) by inserting after subparagraph (E)
4 the following:

5 “(F) a section entitled ‘Best Practices in
6 Slavery Eradication’ to highlight innovations in
7 prevention, protection, and prosecution of the
8 perpetrators of trafficking , as well as public-
9 private partnerships;

10 “(G) a section entitled ‘Refugee-Traf-
11 ficking Connection’ to highlight the vulner-
12 ability of refugee populations to human traf-
13 ficking and to make recommendations for the
14 prevention of refugee trafficking;

15 “(H) an assessment of the actions taken
16 by the Department of State and the Depart-
17 ment of Justice to investigate allegations of
18 trafficking or abuse of nonimmigrants holding
19 an A-3 visa or a G-5 visa (as such terms are
20 defined in section 203(f) of the William Wilber-
21 force Trafficking Victims Protection Reauthor-
22 ization Act of 2008), results of such investiga-
23 tions; and”;

24 (2) in paragraph (2), by inserting “, acting
25 through the Director of the Office To Monitor and

1 Combat Modern Slavery and Other Forms of
2 Human Trafficking,” after “Secretary of State”.

3 **SEC. 105. TEMPORARY INCREASE IN FEE FOR CERTAIN**
4 **CONSULAR SERVICES.**

5 Section 239(c) of the William Wilberforce Trafficking
6 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
7 1351 note) is amended by striking “the date that is 3
8 years after the first date on which such increased fee is
9 collected” and inserting “September 30, 2013”.

10 **SEC. 106. ADDITIONAL ACTIVITIES TO MONITOR AND COM-**
11 **BAT FORCED LABOR AND CHILD LABOR.**

12 Section 105(b) of the Trafficking Victims Protection
13 Reauthorization Act of 2005 (22 U.S.C. 7112(b)) is
14 amended—

15 (1) in paragraph (1), by inserting “and the
16 United States” after “foreign countries”;

17 (2) in paragraph (2)(C)—

18 (A) by inserting “and Congress” after
19 “public”;

20 (B) by inserting “, including the United
21 States,” after “countries”; and

22 (C) by adding at the end before the semi-
23 colon the following: “, including goods that are
24 produced with inputs that are produced with
25 forced labor or child labor, and, to the extent

1 practicable, to identify persons or businesses
2 that produce such goods”; and

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

4 “(3) LIST OF GOODS AND IDENTIFICATION OF
5 PERSONS OR BUSINESSES.—The list of goods and
6 identification of persons or businesses that produce
7 such goods described in paragraph (2)(C) shall be
8 made available to the public and provided to Con-
9 gress not later than April 1, 2012, and updated not
10 less than every two years thereafter.”.

11 **SEC. 107. ENHANCING PROTECTION FOR CHILDREN EX-**
12 **PLOITED ABROAD BY UNITED STATES CITI-**
13 **ZENS AND PERMANENT RESIDENT ALIENS.**

14 Section 2423 of title 18, United States Code, is
15 amended—

16 (1) in subsection (c)—

17 (A) by inserting “or engages in travel af-
18 fecting” before “foreign commerce”; and

19 (B) by inserting “(even if residing, whether
20 temporarily or permanently, in a foreign juris-
21 diction)” after “foreign commerce”; and

22 (2) by inserting after subsection (g) the fol-
23 lowing:

24 “(h) NON-DEFENSES.—It is not a defense to a pros-
25 ecution under subsection (c), based on illicit sexual con-

1 duct, that the defendant is not criminally liable or is sub-
 2 ject to reduced criminal liability due to the de jure or de
 3 facto acceptance of the illicit conduct in the foreign juris-
 4 diction in which the defendant travels or resides.”.

5 **TITLE II—COMBATING TRAF-**
 6 **FICKING IN PERSONS IN THE**
 7 **UNITED STATES**

8 **Subtitle A—Amendments to the**
 9 **Trafficking Victims Protection**
 10 **Act of 2000**

11 **SEC. 201. INTERAGENCY TASK FORCE TO MONITOR AND**
 12 **COMBAT TRAFFICKING.**

13 (a) APPOINTMENT.—Section 105(b) of the Traf-
 14 ficking Victims Protection Act of 2000 (22 U.S.C.
 15 7103(b)) is amended by inserting after “Education,” the
 16 following: “the Director of the Peace Corps,”.

17 (b) REPORT ON ACTIVITIES OF GOVERNMENT CON-
 18 TRACTORS AND SUBCONTRACTORS.—Section 105(d)(7) of
 19 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
 20 7103(d)(7)) is amended—

21 (1) in subparagraph (H)(iii), by striking the
 22 semicolon at the end and inserting the following: “,
 23 including whether—

24 “(I) employee handbooks or
 25 handbook equivalents of such govern-

1 ment contractors and subcontractors
2 describe the United States Govern-
3 ment’s zero-tolerance policy regarding
4 trafficking in persons and the actions,
5 up to and including termination, that
6 the employer will take against its em-
7 ployees for violations of the zero-toler-
8 ance policy; and

9 “(II) any employees of such gov-
10 ernment contractors or subcontractors
11 have been disciplined or terminated or
12 prosecuted for violation of the zero-
13 tolerance policy;” and

14 (2) in subparagraph (I)(i), by adding at the end
15 before the semicolon the following: “, including the
16 extent to which Federal departments and agencies
17 have terminated any contracts of United States Gov-
18 ernment’s contractors or subcontractors based on a
19 trafficking in persons offense and whether any em-
20 ployees of any United States Government’s con-
21 tractor or subcontractor have been disciplined, ter-
22 minated, or prosecuted for violation of the zero-toler-
23 ance policy”.

24 (c) REPORT ON ACTIVITIES OF BUREAU OF JUSTICE
25 ASSISTANCE.—Section 105(d)(7) of the Trafficking Vic-

1 tims Protection Act of 2000 (22 U.S.C. 7103(d)(7)), as
2 amended by subsection (b) of this section, is further
3 amended—

4 (1) in subparagraph (I), by striking “and” at
5 the end;

6 (2) in subparagraph (J), by striking the period
7 at the end and inserting “; and”; and

8 (3) by adding the following:

9 “(K) with regard to grant activities of the
10 Bureau of Justice Assistance—

11 “(i) for each human trafficking
12 taskforce whose operations are supported
13 by grants from the Department of Justice,
14 the number of reports of trafficking, inves-
15 tigation of trafficking, T- and U-visa cer-
16 tifications requested and granted in con-
17 nection with instances of trafficking, re-
18 quests for continuation of presence under
19 107(c)(A)(iii) and grants of the same;

20 “(ii) a description of the data de-
21 scribed in clause (i) classified by certain
22 identifying information of each trafficking
23 victim including sex, age, citizenship, and
24 whether that individual was the victim of

1 trafficking for purposes of labor or for
2 commercial sex; and

3 “(iii) an outline of the content of any
4 existing protocols of the human trafficking
5 taskforce for reporting trafficking and
6 points of entry into the criminal investiga-
7 tion and service provision collaboration.”.

8 **SEC. 202. DEPARTMENT OF DEFENSE DIRECTOR OF ANTI-**
9 **TRAFFICKING POLICIES.**

10 Section 105 of the Trafficking Victims Protection Act
11 of 2000 (22 U.S.C. 7103) is amended by adding at the
12 end the following:

13 “(g) DEPARTMENT OF DEFENSE DIRECTOR OF
14 ANTI-TRAFFICKING POLICIES.—

15 “(1) ESTABLISHMENT.—The Secretary of De-
16 fense shall designate within the Office of the Sec-
17 retary of Defense a Director of Anti-Trafficking
18 Policies (hereinafter in this subsection referred to as
19 the ‘Director’).

20 “(2) GENERAL DUTIES.—The Director shall be
21 responsible for overseeing the implementation within
22 the Department of Defense of policies relating to
23 trafficking in persons, including policies of the De-
24 partment and policies of the Federal Government
25 (including policies contained in National Security

1 Presidential Directive 22) as they relate to the De-
2 partment. The Secretary may not assign to the Di-
3 rector any responsibilities not related to trafficking
4 in persons.

5 “(3) SPECIFIC DUTIES.—The Director shall, in
6 consultation with other relevant elements of the De-
7 partment of Defense—

8 “(A)(i) ensure the proper handling of
9 cases, including disciplinary action, prosecution
10 and contract termination, where a member of
11 the Armed Forces or an employee or contractor
12 of the Department is alleged to have engaged in
13 or facilitated an act of trafficking in persons
14 and in such cases encourage, as appropriate,
15 implementation of chapter 212 of title 18,
16 United States Code (commonly referred to as
17 the Military Extraterritorial Jurisdiction Act of
18 2000) and this Act;

19 “(ii) oversee the enforcement of—

20 “(I) Defense Federal Acquisition In-
21 struction 952.222–0001 (‘Prohibition
22 Against Human Trafficking, Inhumane
23 Living Conditions, and Withholding of Em-
24 ployees Passports’) (July 2010),

1 “(II) Defense Federal Acquisition In-
2 struction 952.225–0004 (‘Compliance with
3 Laws and Regulations’) (July 2010), and

4 “(III) Defense Federal Acquisition In-
5 struction 252.225–7997 (‘Additional Re-
6 quirements and Responsibilities Relating to
7 Alleged Crimes by or Against Contractor
8 Personnel in Iraq or Afghani-
9 stan’)(Deviation 2010–O0014) (August
10 2010),

11 each as in effect on July 31, 2011; and

12 “(iii) maintain a database of those cases
13 determined to be in violation of the statutes ref-
14 erenced in clause (i) and regulations referenced
15 in clause (ii);

16 “(B) ensure that training materials and in-
17 structional programs relating to trafficking in
18 persons are developed and used by the military
19 departments;

20 “(C) consult regularly with academicians,
21 faith-based organizations, multilateral organiza-
22 tions, nongovernmental organizations, and oth-
23 ers with expertise in combating trafficking in
24 persons, regarding the Department’s implemen-

1 tation of policies relating to trafficking in per-
2 sons;

3 “(D) conduct surveys of members of the
4 Armed Forces and of employees of the Depart-
5 ment to assess attitudes and knowledge regard-
6 ing trafficking in persons and use the results of
7 those surveys to develop training materials and
8 instructional programs relating to trafficking in
9 persons;

10 “(E) ensure that trafficking in persons is
11 included as an intelligence requirement in
12 peacekeeping missions that track organized
13 crime;

14 “(F) establish a mechanism to ensure that
15 neither the Department nor any contractor (or
16 subcontractor at any tier) of the Department
17 rehires an employee of such a contractor (or
18 subcontractor) who engaged in a severe form of
19 trafficking in persons while the contract is in
20 effect;

21 “(G) include the subject of trafficking in
22 persons in military-to-military contact pro-
23 grams;

24 “(H) in consultation with the Office of the
25 Inspector General of the Department, inves-

1 tigate links between trafficking in persons and
2 deployments of members of the Armed Forces
3 and contractors of the Department;

4 “(I) consult with contractors of the De-
5 partment on programs to prevent trafficking in
6 persons and on accountability structures relat-
7 ing to trafficking in persons; and

8 “(J) perform such other related duties as
9 the Secretary may require.

10 “(4) RESOURCES.—The Secretary of Defense
11 shall ensure the Director has sufficient staff and re-
12 sources to carry out the general and specific duties
13 described in this subsection.

14 “(5) RANK.—The Director shall have the rank
15 of Assistant Secretary.”.

16 **SEC. 203. ASSISTANCE FOR VICTIMS OF TRAFFICKING.**

17 (a) BENEFITS AND SERVICES.—Section
18 107(b)(1)(B) of the Trafficking Victims Protection Act of
19 2000 (22 U.S.C. 7105(b)(1)(B)) is amended—

20 (1) by inserting “an alien classified as a non-
21 immigrant under section 101(a)(15)(U)(i) of the Im-
22 migration and Nationality Act by reason of criminal
23 activity that is trafficking” before “, and aliens clas-
24 sified as a nonimmigrant under section
25 101(a)(15)(T)(ii)”;

1 (2) by inserting after “and aliens classified as
2 a nonimmigrant under section 101(a)(15)(T)(ii)”
3 the following: “of the Immigration and Nationality
4 Act”.

5 (b) CONFORMING AMENDMENT.—Section
6 107(b)(1)(A) of the Trafficking Victims Protection Act of
7 2000 (22 U.S.C. 7105(b)(1)(A)) is amended—

8 (1) by inserting “an alien classified as a non-
9 immigrant under section 101(a)(15)(U)(i) of the Im-
10 migration and Nationality Act by reason of criminal
11 activity that is trafficking” before “, or an alien
12 classified as a nonimmigrant under section
13 101(a)(15)(T)(ii)”;

14 (2) by inserting after “an alien classified as a
15 nonimmigrant under section 101(a)(15)(T)(ii)” the
16 following: “of the Immigration and Nationality Act”.

17 **SEC. 204. ENSURING TIMELY RESPONSE TO REQUESTS FOR**
18 **CONTINUED PRESENCE.**

19 Section 107(c)(3)(A)(i) of the Trafficking Victims
20 Protection Act of 2000 (22 U.S.C. 7105 (c)(3)(A)(i)) is
21 amended—

22 (1) by inserting “or may be a victim of a severe
23 form of trafficking” before “and may be a potential
24 witness”; and

1 (2) by adding after the period at the end the
2 following: “If a request for continued presence is
3 made to a Federal law enforcement official, such of-
4 ficial shall respond to the request not later than 15
5 days after the date on which such request was made,
6 stating whether the official has filed the application
7 for continued presence with the Secretary of Home-
8 land Security and, if not, whether the official expects
9 to do so. Not later than one month after the date
10 on which such an application is filed, the Secretary
11 of Homeland Security shall approve or deny that ap-
12 plication.”.

13 **SEC. 205. REPORT TO CONGRESS.**

14 Section 110(b) of the Trafficking Victims Protection
15 Act of 2000 (7107(b)) is amended by adding at the end
16 the following:

17 “(5) **ADDITIONAL REPORTING REQUIREMENT.**—
18 In addition to the information required in the an-
19 nual report under paragraph (1) and the interim re-
20 port under paragraph (2), the Secretary of State
21 shall include in each such report a description of ef-
22 forts of the United States to comply with minimum
23 standards for the elimination of trafficking.”.

1 **Subtitle B—Amendments to Title**
2 **18, United States Code**

3 **SEC. 211. RENAMING OF BASIC FEDERAL TRAFFICKING**
4 **STATUTE.**

5 (a) IN GENERAL.—The section heading for section
6 2422 of title 18, United States Code, is amended by strik-
7 ing “**Coercion and enticement**” and inserting “**Sex**
8 **trafficking and related offenses**”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 117 of title 18, United States
11 Code, is amended so that the item relating to section 2422
12 reads as follows:

“2422. Sex trafficking and related offenses.”.

13 **SEC. 212. CLARIFYING TRAFFICKING DEFINITIONS AND**
14 **PROSECUTION.**

15 (a) IN GENERAL.—The section heading for section
16 1591 of title 18, United States Code, is amended in the
17 section heading, by striking “**Sex trafficking of chil-**
18 **dren or by force, fraud, or coercion**” and insert-
19 ing “**Severe forms of trafficking in persons**”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 77 of title 18, United States
22 Code, is amended so that the item relating to section 1591
23 reads as follows:

“1591. Severe forms of trafficking in persons.”.

1 **SEC. 213. FIGHTING SEX TOURISM.**

2 The heading for subsection (d) of section 2423 of title
3 18, United States Code, is amended by striking “**Ancil-**
4 **lary offenses**” and inserting “**Child sex tourism**”.

5 **SEC. 214. IDENTIFICATION DOCUMENTS.**

6 (a) IN GENERAL.—Chapter 77 of title 18, United
7 State Code, is amended by adding at the end the following:

8 **“SEC. 1597. UNLAWFUL CONDUCT WITH RESPECT TO IMMI-**
9 **GRATION DOCUMENTS.**

10 “(a) DESTRUCTION, CONCEALMENT, REMOVAL, CON-
11 FISCATION, OR POSSESSION OF IMMIGRATION DOCU-
12 MENTS.—It shall be unlawful for any person to knowingly
13 destroy, or, for a period of more than 48 hours, conceal,
14 remove, confiscate, or possess, an actual or purported
15 passport, other immigration, or personal identification
16 document of another individual—

17 “(1) in the course of a violation of section 1351
18 of this title or section 274 of the Immigration and
19 Nationality Act (8 U.S.C. 1324);

20 “(2) with intent to violate section 1351 of this
21 title or section 274 of the Immigration and Nation-
22 ality Act (8 U.S.C. 1324); or

23 “(3) in order to, without lawful authority,
24 maintain, prevent, or restrict the labor of services of
25 the individual.

1 “(b) PENALTY.—Whoever violates subsection (a)
2 shall be fined under this title, imprisoned for not more
3 than 1 year, or both.

4 “(c) OBSTRUCTION.—Whoever obstructs, attempts to
5 obstruct, or in any way interferes with or prevents the en-
6 forcement of this section, shall be subject to the penalties
7 described in subsection (b).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 77 of title 18, United States
10 Code, is amended by adding at the end the following:

“1597. Unlawful conduct with respect to immigration documents.”.

11 **SEC. 215. FRAUD IN FOREIGN LABOR CONTRACTING AS A**
12 **RICO PREDICATE.**

13 Section 1961 of title 18, United States Code, is
14 amended in paragraph (1)(B) by inserting “section 1351
15 (fraud in foreign labor contracting),” after “section 1344
16 (relating to financial institution fraud),”.

17 **Subtitle C—Amendments to the**
18 **Immigration and Nationality Act**

19 **SEC. 221. HARMONIZATION OF T AND U VISA STANDARDS.**

20 (a) INADMISSIBILITY.—Section 212(d)(13) of the Im-
21 migration and Nationality Act (8 U.S.C. 1182(d)(13)) is
22 amended—

23 (1) in subparagraph (A), by adding at the end
24 the following: “The Secretary of Homeland Security,
25 in the Secretary’s discretion, may waive the applica-

1 tion of subsection (a) (other than paragraph (3),
2 (4), (10)(C), and (10)(E) of such subsection) in the
3 case of a nonimmigrant described in section
4 101(a)(15)(T), if the Secretary of Homeland Secu-
5 rity considers it to be in the public or national inter-
6 est to do so.”;

7 (2) by striking “(13)(A) The Secretary” and in-
8 serting “(13) The Secretary”; and

9 (3) by striking subparagraph (B).

10 (b) ADJUSTMENT OF STATUS.—Section 245(l)(2)(B)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1255(l)(2)(B)) is amended by striking “, if the activities
13 rendering the alien inadmissible under the provision were
14 caused by, or were incident to, the victimization described
15 in section 101(a)(15)(T)(i)(I)”.

16 **Subtitle D—Amendments to Other** 17 **Laws**

18 **SEC. 231. ENHANCING EFFORTS TO COMBAT THE TRAF-** 19 **FICKING OF CHILDREN.**

20 (a) COMBATING CHILD TRAFFICKING AT THE BOR-
21 DER AND PORTS OF ENTRY OF THE UNITED STATES.—

22 (1) Section 235(a)(2)(A) of the William Wilber-
23 force Trafficking Victims Protection Reauthorization
24 Act of 2008 (8 U.S.C. 1232(a)(2)(A)) is amended—

1 (A) in clause (ii), by striking “and” at the
2 end;

3 (B) in clause (iii), by striking the period at
4 the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(iv) the return of such child to the
7 child’s country of nationality or of last ha-
8 bitual residence would not endanger the
9 life or safety of such child.”.

10 (2) Section 235(a)(4) of the William Wilber-
11 force Trafficking Victims Protection Reauthorization
12 Act of 2008 (8 U.S.C. 1232(a)(4)) is amended—

13 (A) by inserting “To the extent feasible,
14 unaccompanied alien children should be housed
15 and screened by an immigration officer with ex-
16 pertise in child welfare in separate child-friend-
17 ly facilities conducive to disclosing information
18 related to human trafficking or exploitation.”
19 before “If the child does not meet such cri-
20 teria”; and

21 (B) by adding at the end the following: “In
22 the course of building or remodeling existing
23 immigration facilities, consideration should be
24 given to including separate child-friendly space

1 conducive to disclosing information relating to
2 human trafficking or exploitation.”.

3 (3) Section 235(a)(5) of the William Wilber-
4 force Trafficking Victims Protection Reauthorization
5 Act of 2008 (8 U.S.C. 1232(a)(5)) is amended by
6 adding at the end the following:

7 “(E) REPORT TO CONGRESS.—Not later
8 than 180 days after the date of enactment of
9 the Trafficking Victims Protection Reauthoriza-
10 tion Act of 2011, and annually thereafter, the
11 Secretary of Homeland Security, in consultation
12 with the Secretary of Health and Human Serv-
13 ices and Secretary of State, shall report to Con-
14 gress the following:

15 “(i) The number of alien children en-
16 countered by U.S. Customs and Border
17 Protection.

18 “(ii) The number of alien children
19 screened for severe forms of human traf-
20 ficking.

21 “(iii) Whether the screening was con-
22 ducted by an individual with expertise in
23 child welfare.

1 “(iv) How many of these children
2 were repatriated and how many were di-
3 verted into services.”.

4 (b) COMBATING CHILD TRAFFICKING AND EXPLOI-
5 TATION IN THE UNITED STATES.—Section 235(b)(2) of
6 the William Wilberforce Trafficking Victims Protection
7 Reauthorization Act of 2008 (8 U.S.C. 1232(b)(2)) is
8 amended by striking “within 48 hours” and inserting
9 “within 24 hours”.

10 (c) PROVIDING SAFE AND SECURE PLACEMENTS FOR
11 CHILDREN.—

12 (1) Section 235(c)(2) of the William Wilber-
13 force Trafficking Victims Protection Reauthorization
14 Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by
15 adding at the end the following: “The Secretary of
16 Homeland Security shall either release, pursuant to
17 the Secretary’s sole discretion, or place in the least
18 restrictive setting an alien who—”

19 “(A) has been placed under this paragraph
20 as a child;

21 “(B) has demonstrated that he or she is
22 not a danger to the community or a flight risk;
23 and

24 “(C) has become ineligible, by reason of
25 age, for placement as a child.”.

1 (2) Section 235(c)(3)(B) of the William Wilber-
2 force Trafficking Victims Protection Reauthorization
3 Act of 2008 (8 U.S.C. 1232(c)(3)(B)) is amended as
4 follows:

5 (A) After “is first necessary.” insert the
6 following: “If the sponsor is a parent, a home
7 study shall be conducted where there are allega-
8 tions of current or past abuse or neglect of the
9 child by the parent or where, based on all avail-
10 able objective evidence, the parent clearly pre-
11 sents a risk of abuse, maltreatment, exploi-
12 tation, or trafficking to the child.”.

13 (B) Strike “A home study” and insert the
14 following: “If the sponsor is anyone other than
15 the parent, a home study”.

16 (C) Strike “shall conduct follow-up serv-
17 ices” and all that follows through “for whom a
18 home study was conducted” and insert the fol-
19 lowing: “shall provide at least 1 visit for follow-
20 up services on all children not later than 45
21 days after placement,”.

22 (3) Section 235(c)(6) of the William Wilber-
23 force Trafficking Victims Protection Reauthorization
24 Act of 2008 (8 U.S.C. 1232(c)(6)) is amended as
25 follows:

1 (A) Strike “The Secretary” and insert the
2 following:

3 “(A) APPOINTMENT.—The Secretary”.

4 (B) Insert after subparagraph (A) the fol-
5 lowing:

6 “(B) PILOT PROGRAM.—Not later than 1
7 year after the date of enactment of the Traf-
8 ficking Victims Protection Reauthorization Act
9 of 2011, the Secretary shall establish pilot pro-
10 grams in 3 States to provide the services of
11 independent child advocates for child trafficking
12 victims and other vulnerable unaccompanied
13 alien children.

14 “(C) REPORT.—Not later than 1 year
15 after the date of enactment of the Trafficking
16 Victims Protection Reauthorization Act of 2011
17 and annually thereafter, the Secretary shall
18 submit a report to the Committee on the Judi-
19 ciary of the Senate and the Committee on the
20 Judiciary of the House of Representatives de-
21 scribing the activities undertaken by the Sec-
22 retary to appoint independent child advocates
23 for vulnerable unaccompanied alien children.”.

24 (d) PERMANENT PROTECTION FOR CERTAIN AT-
25 RISK CHILDREN.—Section 235(d)(4) of the William Wil-

1 berforce Trafficking Victims Protection Reauthorization
2 Act of 2008 (8 U.S.C. 1232(d)(4)) is amended as follows:

3 (1) In subparagraph (A)—

4 (A) by inserting “has been granted status
5 under section 101(a)(15)(U) of the Immigration
6 and Nationality Act (8 U.S.C. 1101(a)(15)(U))
7 or who” before “has been granted”; and

8 (B) by inserting “to the same extent as an
9 alien admitted under section 207 of the Immi-
10 gration and Nationality Act (8 U.S.C. 1157)”
11 before “until the earlier of”.

12 (2) In subparagraph (B)—

13 (A) by inserting “who has been granted
14 status under section 101(a)(15)(U) of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1101(a)(15)(U)) or who” before “has been
17 granted”; and

18 (B) by striking “Subject to the availability
19 of appropriations, if” and inserting “If”.

20 **SEC. 232. IMPROVING LOCAL EFFORTS TO COMBAT TRAF-**
21 **FICKING AND SEXUAL EXPLOITATION OF**
22 **CHILDREN.**

23 Section 471(a) of the Social Security Act (42 U.S.C.
24 671(a)) is amended—

1 (1) in paragraph (32), by striking “and” at the
2 end;

3 (2) in paragraph (33), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(34) not later than January 1, 2013, describes
7 State child welfare existing practice and future plans
8 regarding prevention measures and victim assistance
9 related to the human trafficking and commercial
10 sexual exploitation of foreign, United States citizen
11 and legal resident children including—

12 “(A) collaborations with local and State
13 agencies and non-profit organizations to iden-
14 tify and care for children believed or confirmed
15 to be, or at-risk of becoming victims of a severe
16 form of human trafficking;

17 “(B) training for the child welfare employ-
18 ees who are likely to come into contact with
19 child victims of human trafficking;

20 “(C) jurisdictional limits and other issues
21 that hinder State child welfare response to aid
22 child victims of human trafficking;

23 “(D) data collection regarding children
24 identified by child welfare services as victims of

1 trafficking and, if known, relationship to ex-
2 ploiter; and

3 “(E) prevention education to families and
4 at-risk children, including runaway and home-
5 less youth, regarding human trafficking and
6 commercial sexual exploitation.”.

7 **SEC. 233. EFFORTS TO PUBLICIZE THE NATIONAL HUMAN**
8 **TRAFFICKING RESOURCE CENTER HOTLINE.**

9 (a) GRANTEE HOTLINE INFORMATION.—The Attor-
10 ney General shall consult with the Secretary of Health and
11 Human Services to make reasonable efforts to distribute
12 information to enable grantees under section 107(b) of the
13 Trafficking Victims Protection Act of 2000 to publicize
14 the National Human Trafficking Resource Center hotline
15 on their Web sites, within the program’s headquarters as
16 well as field offices across the United States.

17 (b) HOTLINE INFORMATION.—

18 (1) IN GENERAL.—The Secretary of Health and
19 Human Services, in coordination with the Attorney
20 General, shall make reasonable efforts to encourage
21 States to adopt legislation to raise public awareness
22 of the National Human Trafficking Resource Center
23 hotline in every mandated establishment where vic-
24 tims of human trafficking may possibly work or
25 visit.

1 (2) POSTING OF MODEL HOTLINE INFORMA-
2 TION.—The legislation described in paragraph (1)
3 should include a requirement that information relat-
4 ing to the National Human Trafficking Resource
5 Center hotline be posted in accordance with the fol-
6 lowing specifications:

7 (A) POSTER LOCATION.—The poster
8 should be publicly displayed in a conspicuous
9 place near the entrance of mandated establish-
10 ments or where such posters and notices are
11 customarily posted in such establishments.

12 (B) POSTER SPECIFICATIONS.—The poster
13 should be no smaller than 8½ by 11 inches in
14 size and state the following: “If you or someone
15 you know is being forced to engage in any activ-
16 ity and cannot leave—whether it is commercial
17 sex, housework, farm work, or any other activ-
18 ity—call the National Human Trafficking Re-
19 source Center Hotline at 1–888–373–7888 to
20 access help and services. Victims of human traf-
21 ficking are protected under United States and
22 State law. The Hotline is: Available 24 hours a
23 day, 7 days a week. Toll-free. Operated by a
24 non-profit, nongovernmental organization.
25 Anonymous & Confidential. Accessible in 170

1 languages. Able to provide help, referral to serv-
2 ices, training, and general information.”.

3 (C) LANGUAGES.—The poster should be
4 printed in English, Spanish, and any other lan-
5 guages required by the Voting Rights Act in the
6 county in which the poster will be posted.

7 (D) NOTICE.—The licensing authority
8 should provide each mandated establishment
9 with notice of this section and with the required
10 poster upon licensing and should place the post-
11 er on its public Web site for mandated estab-
12 lishments to print as needed.

13 (3) DEFINITION OF MANDATED ESTABLISH-
14 MENT.—For purposes of this section, a “mandated
15 establishment” means—

16 (A) a massage parlor, spa, or other similar
17 establishment;

18 (B) an establishment that receives a liquor
19 license;

20 (C) a strip club or other sexually oriented
21 business;

22 (D) a restaurant;

23 (E) an airport;

24 (F) a train station;

25 (G) a bus station;

- 1 (H) a highway truck stop;
- 2 (I) a highway rest stop;
- 3 (J) a hospital, HMO, or urgent care cen-
- 4 ter;
- 5 (K) a farm;
- 6 (L) a high school; or
- 7 (M) a job recruitment center.

8 **SEC. 234. PREVENTION OF TRAFFICKING IN PERSONS IN-**

9 **VOLVING WORKERS RECRUITED ABROAD.**

10 (a) FINDINGS.—Congress makes the following find-

11 ings:

12 (1) Foreign labor contractors are increasingly

13 relied upon to facilitate the movement of labor from

14 one country to another.

15 (2) While many foreign labor contractors be-

16 have ethically and are engaged in lawful conduct,

17 certain foreign labor contractors are often complicit

18 with or directly involved in trafficking of workers.

19 (3) Some contractors charge exorbitant fees for

20 their services, force workers into debt bondage, fal-

21 sify documents, and deceive workers about their

22 terms and conditions of work, increasing workers'

23 vulnerability to human trafficking.

24 (4) Stricter regulation of labor recruiters is

25 needed to protect workers entering the United

1 States from human trafficking and other abuses.
2 Stronger legal frameworks will ensure the integrity
3 of the American economy, which is undermined when
4 unregulated actors conspire to fraudulently deceive
5 workers about the terms and conditions of work.

6 (b) DEFINITIONS.—In this section:

7 (1) FOREIGN LABOR CONTRACTOR.—The term
8 “foreign labor contractor” means any person who
9 performs any foreign labor contracting activity, in-
10 cluding any person who performs foreign labor con-
11 tracting activity wholly outside of the United States,
12 except that the term does not include a United
13 States governmental entity of the United States
14 Government.

15 (2) FOREIGN LABOR CONTRACTING ACTIVITY.—
16 The term “foreign labor contracting activity” means
17 recruiting, soliciting, hiring, employing, managing,
18 or furnishing, processing visa applications for, trans-
19 porting, or housing an individual who resides outside
20 of the United States to be employed in the United
21 States, including when such activity occurs wholly
22 outside of the United States.

23 (3) PERSON.—The term “person” means any
24 natural person or any corporation, company, firm,
25 partnership, joint stock company or association or

1 other organization or entity (whether organized
2 under law or not), including municipal corporations.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Labor.

5 (5) WORKER.—The term “worker” means an
6 individual who is the subject of foreign labor con-
7 tracting activity.

8 (c) DISCLOSURE.—Any person who engages in for-
9 eign labor contracting activity shall ascertain and disclose
10 in writing in English and in the language of the worker
11 being recruited, to each worker who is recruited for em-
12 ployment, at the time of the worker’s recruitment, the fol-
13 lowing information:

14 (1) The identity of the employer and the iden-
15 tity of the person conducting the recruiting on be-
16 half of the employer, including any subcontractor or
17 agent involved in such recruiting.

18 (2) A signed copy of the work contract, includ-
19 ing all assurances and terms and conditions of em-
20 ployment, from the prospective employer for whom
21 the worker is being recruited. The contract shall in-
22 clude—

23 (A) the level of compensation to be paid;

24 (B) the place and period of employment;

1 (C) a description of the type and nature of
2 employment activities;

3 (D) any withholdings or deductions from
4 compensation, whether on behalf of a govern-
5 ment, the employer, or a third party; and

6 (E) any penalties for early termination of
7 employment.

8 (3) The type of visa under which the foreign
9 worker is to be employed, the length of time the visa
10 is valid, the terms and conditions under which this
11 visa may be renewed with a clear statement that
12 there is no guarantee that the visa will be renewed
13 by the United States Government, whether or not
14 the employer will apply for renewal of the worker's
15 visa and any expenses that the worker may incur
16 with securing or renewing the visa.

17 (4) An itemized list of any costs or expenses to
18 be charged to the worker, including but not limited
19 to—

20 (A) the costs of housing or accommoda-
21 tion, transportation to and from the worksite,
22 meals, medical examinations, healthcare or safe-
23 ty equipment costs; and

24 (B) any other costs, expenses or deduc-
25 tions to be charged the worker.

1 (5) A statement, in a form specified by the Sec-
2 retary—

3 (A) stating that no foreign labor con-
4 tractor, or agent or employee of a foreign labor
5 contractor, can lawfully assess any fee (includ-
6 ing visa fees, processing fees, transportation
7 fees, legal expenses, placement fees, and other
8 costs) to a worker for any foreign labor con-
9 tracting activity; and that the employer may
10 bear such costs or fees for the foreign labor
11 contractor, but that these fees cannot be as-
12 sessed along to the worker;

13 (B) explaining that—

14 (i) no additional requirements or
15 changes may be made from the terms of
16 the contract originally signed by the work-
17 er unless the worker is provided at least 48
18 hours to review and consider the additional
19 requirements or changes;

20 (ii) no such additional requirements or
21 changes can be made to the original con-
22 tract signed by the worker without the spe-
23 cific consent of the worker to each such
24 additional requirement or change; and

1 (iii) such consent must be obtained
2 voluntarily and without threat of penalty
3 or will be viewed as a violation of law sub-
4 ject to the provisions of subsection (i); and
5 (C) describing the protections afforded the
6 worker by this section and by the Trafficking
7 Victims Protection Act of 2000 (Division A of
8 the Public Law 106486) and any applicable
9 guest worker program, including relevant infor-
10 mation about the procedure for filing a com-
11 plaint provided for in subsection (i) and tele-
12 phone number for the national human traf-
13 ficking resource center hotline number.

14 (6) Any education or training to be provided or
15 required, including the nature, timing and cost of
16 such training and the person who will pay such
17 costs, whether the training is a condition of employ-
18 ment, continued employment, or future employment;
19 and whether the worker will be paid or remunerated
20 during the training period, including the rate of pay.

21 (7) Any other information that the Secretary
22 may require by regulation.

23 (d) RESTRICTION.—No foreign labor contractor or
24 employer who engages in foreign labor contracting activity
25 shall knowingly provide materially false or misleading in-

1 formation to any worker concerning any matter required
2 to be disclosed under subsection (c). The disclosure re-
3 quired by this section is a document concerning the proper
4 administration of a matter within the jurisdiction of a de-
5 partment or agency of the United States for the purposes
6 of section 1519 of title 18, United States Code.

7 (e) RECRUITMENT FEES.—No foreign labor con-
8 tractor, or agent or employee of a foreign labor contractor,
9 shall assess any fee (including visa fees, processing fees,
10 transportation fees, legal expenses, placement fees, and
11 other costs) to a worker for any foreign labor contracting
12 activity.

13 (f) REGISTRATION.—

14 (1) IN GENERAL.—Before engaging in any for-
15 eign labor contracting activity, any person who is a
16 foreign labor contractor or who, for any money or
17 other valuable consideration paid or promised to be
18 paid, performs a foreign labor contracting activity
19 on behalf of a foreign labor contractor, shall obtain
20 a certificate of registration from the Secretary of
21 Labor pursuant to regulations promulgated by the
22 Secretary under paragraph (4).

23 (2) EXCEPTION FOR CERTAIN EMPLOYERS.—An
24 employer, or employee of an employer, who engages
25 in foreign labor contracting activity solely to find

1 workers for the employer's own use, and without the
2 participation of any other foreign labor contractor,
3 shall not be required to register under this section.
4 Notwithstanding the preceding sentence, such an
5 employer shall be subject to the requirements of sub-
6 sections (c), (d), and (e) and shall be subject to the
7 remedies under subsection (i) for all violations stem-
8 ming from its own foreign labor contracting activity.

9 (3) NOTIFICATION.—Not less frequently than
10 once every 2 years, each employer shall notify the
11 Secretary of the identity of any foreign labor con-
12 tractor involved in any foreign labor contractor ac-
13 tivity for, or on behalf of, the employer. Each for-
14 eign labor contractor shall notify the Secretary not
15 less frequently than once every 2 years, of the iden-
16 tity of any agent or foreign labor contractor em-
17 ployee involved in any foreign labor contractor activ-
18 ity for, or on behalf of, the foreign labor contractor.
19 The employer shall also notify the Secretary of the
20 identity of such a foreign labor contractor whose ac-
21 tivities do not comply with this section.

22 (4) ISSUANCE.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary
24 shall promulgate regulations to establish an efficient
25 electronic process for the timely investigation and

1 approval of an application for a certificate of reg-
2 istration of foreign labor contractors, including—

3 (A) requirements under paragraphs (1),
4 (4), and (5) of section 102 of the Migrant and
5 Seasonal Agricultural Worker Protection Act
6 (29 U.S.C. 1812);

7 (B) an expeditious means to update reg-
8 istrations and renew certificates;

9 (C) providing for the consent of any for-
10 eign labor recruiter to the designation by a
11 court of the Secretary as an agent available to
12 accept service of summons in any action against
13 the applicant, if the applicant has left the juris-
14 diction in which the action is commenced other-
15 wise has become unavailable to accept service or
16 is subject to personal jurisdiction in no State;

17 (D) providing for consultation with other
18 appropriate Federal agencies to determine
19 whether any reason exists to deny registration
20 to a foreign labor contractor; and

21 (E) any other requirements that the Sec-
22 retary may prescribe.

23 (5) TERM OF REGISTRATION.—Unless sus-
24 pended or revoked, a certificate under this subpara-
25 graph shall be valid for 2 years.

1 (6) APPLICATION FEE.—In addition to any
2 other fees authorized by law, the Secretary shall im-
3 pose a fee, to be deposited in the Treasury, on a for-
4 eign labor contractor that submits an application for
5 a certificate of registration under this section on or
6 after the date that is 30 days after the effective date
7 of the regulations promulgated under this sub-
8 section. Fees shall be set at a level the Secretary de-
9 termines will cover the full costs of carrying out for-
10 eign labor contract registration activities under this
11 section and any additional costs associated with the
12 administration of the fees collected.

13 (7) REFUSAL TO ISSUE; REVOCATION.—In ac-
14 cordance with regulations promulgated by the Sec-
15 retary of Labor, the Secretary shall refuse to issue
16 or renew, or shall revoke and debar from eligibility
17 to obtain a certificate of registration for a period of
18 not greater than 5 years, after notice and an oppor-
19 tunity for a hearing, a certificate of registration
20 under this subparagraph if—

21 (A) the applicant for, or holder of, the cer-
22 tification has knowingly made a material mis-
23 representation in the application for such cer-
24 tificate;

1 (B) the applicant for, or holder of, the cer-
2 tification is not the real party in interest in the
3 application or certificate of registration and the
4 real party in interest—

5 (i) is a person who has been refused
6 issuance or renewal of a certificate;

7 (ii) has had a certificate revoked; or

8 (iii) does not qualify for a certificate
9 under this paragraph;

10 (C) the applicant for, or holder of, the cer-
11 tification has been convicted within the pre-
12 ceding five years of any crime described in sub-
13 paragraph (A) or (B) of section 103(a)(5) of
14 the Migrant and Seasonal Agricultural Worker
15 Protection Act (29 U.S.C. 1813(a)(5)); or

16 (D) the applicant for, or holder of, the cer-
17 tification has materially failed to comply with
18 this subsection.

19 (8) MAINTENANCE OF LISTS.—

20 (A) IN GENERAL.—The Secretary shall
21 maintain—

22 (i) a list of all foreign labor contrac-
23 tors registered under this subsection, in-
24 cluding the countries from which they re-
25 cruit, the employers for whom they recruit,

1 and the States where recruited workers are
2 employed; and

3 (ii) a list of all foreign labor contrac-
4 tors whose certificate of registration the
5 Secretary has revoked.

6 (B) PUBLIC AVAILABILITY.—Not less than
7 every 6 months, the Secretary shall regularly
8 update the list described in this paragraph and
9 make the list publicly available including
10 through continuous publication on the Internet
11 and in written form at and on the Web sites of
12 United States embassies in the official language
13 of that country.

14 (9) RE-REGISTRATION OF VIOLATORS.—The
15 Secretary shall establish a procedure by which a for-
16 eign labor contractor that has had its registration
17 revoked may seek to re-register under this para-
18 graph by demonstrating to the Secretary's satisfac-
19 tion that the foreign labor contractor has not vio-
20 lated this subsection in the previous 5 years and
21 that the foreign labor contractor has taken sufficient
22 steps to prevent future violations of this subsection.

23 (g) AMENDMENT TO IMMIGRATION AND NATION-
24 ALITY ACT.—Section 214 of the Immigration and Nation-
25 ality Act is amended by adding at the end the following:

1 “(s) A visa shall not be issued under the subpara-
2 graph (A)(iii), (B)(i) (but only for domestic servants de-
3 scribed in clause (i) or (ii) of section 274a.12(c)(17) of
4 title 8, Code of Federal Regulations (as in effect on De-
5 cember 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of
6 section 101(a)(15) until the consular officer—

7 “(1) has provided to and reviewed with the ap-
8 plicant, in the applicant’s language (or a language
9 the applicant understands), a copy of the informa-
10 tion and resources pamphlet required by section 202
11 of the William Wilberforce Trafficking Victims Pro-
12 tection Reauthorization Act of 2008; and

13 “(2) has reviewed and made a part of the visa
14 file the foreign labor recruiter disclosures required
15 by section 234(c) of the Trafficking Victims Protec-
16 tion Reauthorization Act of 2011, including whether
17 the foreign labor recruiter is registered pursuant to
18 that section.”.

19 (h) RESPONSIBILITIES OF SECRETARY OF STATE.—

20 (1) IN GENERAL.—The Secretary of State shall
21 ensure that each United States diplomatic mission
22 has a person who shall be responsible for receiving
23 information from any worker who alleges to have
24 been subjected to a severe form of trafficking in per-
25 sons, as that term is defined in section 103(8) of the

1 Trafficking Victims Protection Act of 2000 (22
2 U.S.C. 7102(8)).

3 (2) PROVISION OF INFORMATION.—The respon-
4 sible person shall ensure that the information re-
5 ceived is provided to the Department of Justice, the
6 Department of Labor, or any other relevant Federal
7 agency. The Department of Justice and the Depart-
8 ment of Labor shall ensure that there is a mecha-
9 nism for any actions that need to be taken in re-
10 sponse to such information.

11 (i) ENFORCEMENT PROVISIONS.—

12 (1) COMPLAINTS AND INVESTIGATIONS.—The
13 Secretary of Labor shall establish a process for the
14 receipt, investigation, and disposition of complaints
15 filed by any person, including complaints respecting
16 a foreign labor contractor’s compliance with this sec-
17 tion. The Secretary, either pursuant to the com-
18 plaint process or otherwise, may investigate employ-
19 ers or foreign labor contractors as necessary to de-
20 termine such compliance.

21 (2) ADMINISTRATIVE ENFORCEMENT.—

22 (A) IN GENERAL.—If the Secretary finds,
23 after notice and an opportunity for a hearing,
24 that any foreign labor contractor failed to com-
25 ply with the requirements of this section, the

1 Secretary may impose the following against
2 such contractor—

3 (i) a fine in an amount not more than
4 \$10,000 per violation; and

5 (ii) upon the occasion of a third viola-
6 tion or a failure to comply with representa-
7 tions, a fine of not more than \$25,000 per
8 violation.

9 (B) AUTHORITY TO ENSURE COMPLI-
10 ANCE.—The Secretary is authorized to take
11 other such actions, including issuing subpoenas
12 and seeking appropriate injunctive relief and re-
13 covery of damages, as may be necessary to as-
14 sure compliance with the terms and conditions
15 of this section.

16 (C) BONDING REQUIREMENT.—The Sec-
17 retary may require a foreign labor contractor to
18 post a bond in the amount sufficient to ensure
19 the protection of individuals recruited by the
20 foreign labor contractor.

21 (3) CIVIL ACTION.—

22 (A) IN GENERAL.—The Secretary of Labor
23 or any person aggrieved by a violation of this
24 section (or regulations issued under this sec-
25 tion) may bring a civil action against any for-

1 eign labor contractor in any court of competent
2 jurisdiction—

3 (i) to seek remedial action, including
4 injunctive relief;

5 (ii) to recover damages on behalf of
6 any worker harmed by a violation of this
7 section; and

8 (iii) to ensure compliance with re-
9 quirements of this subsection.

10 (B) ACTIONS BY THE DEPARTMENT OF
11 LABOR.—

12 (i) SUMS RECOVERED.—Any sums re-
13 covered by the Secretary on behalf of a
14 worker under subparagraph (A)(ii) shall be
15 held in a special deposit account and shall
16 be paid, on order of the Secretary, directly
17 to each worker affected. Any such sums
18 not paid to a worker because of inability to
19 do so within a period of 5 years shall be
20 credited as an offsetting collection to the
21 appropriations account of the Secretary for
22 expenses for the administration of this sec-
23 tion and shall remain available to the Sec-
24 retary until expended or may be trans-
25 ferred to the Secretary of Health and

1 Human Services for the purpose of pro-
2 viding support to programs that provide
3 assistance to victims of trafficking in per-
4 sons or other exploited persons.

5 (ii) REPRESENTATION.—Except as
6 provided in section 518(a) of title 28,
7 United States Code, the Solicitor of Labor
8 may appear for and represent the Sec-
9 retary of Labor in any civil litigation
10 brought under this paragraph. All such
11 litigation shall be subject to the direction
12 and control of the Attorney General.

13 (C) ACTIONS BY INDIVIDUALS.—

14 (i) AWARD.—If the court finds in a
15 civil action filed by an individual under
16 this subsection that the defendant has vio-
17 lated any provision of this section (or any
18 regulation under this section), it may
19 award damages up to and including an
20 amount equal to the amount of actual
21 damages, or statutory damages of up to
22 \$1,000 per plaintiff per violation, or other
23 equitable relief, except that with respect to
24 statutory damages—

1 (I) multiple infractions of a sin-
2 gle provision of this section (or of a
3 regulation under this section) shall
4 constitute only 1 violation for pur-
5 poses of determining the amount of
6 damages due a plaintiff; and

7 (II) if such complaint is certified
8 as a class action, the court may award
9 damages up to an amount equal to
10 the amount of actual damages, statu-
11 tory damages of no more than the
12 lesser of up to \$1,000 per violation, or
13 up to \$500,000, or other equitable re-
14 lief; and

15 (III) reasonable attorneys fees
16 and costs.

17 (ii) CRITERIA.—In determining the
18 amount of statutory damages to be award-
19 ed under clause (i), the court is authorized
20 to consider whether an attempt was made
21 to resolve the issues in dispute before the
22 resort to litigation.

23 (iii) APPEAL.—Any civil action
24 brought under this section shall be subject
25 to appeal as provided in chapter 83 of title

1 28, United States Code (28 U.S.C. 1291 et
2 seq.).

3 (iv) ACCESS TO LEGAL SERVICES COR-
4 PORATION.—Notwithstanding any other
5 provision of law, the Legal Services Cor-
6 poration and recipients of its funding may
7 provide legal services on behalf of an alien
8 who brings a civil action under this para-
9 graph.

10 (4) AGENCY LIABILITY.—

11 (A) IN GENERAL.—Beginning 180 days
12 after the Secretary of Labor has promulgated
13 regulations pursuant to subsection (f)(4), an
14 employer who retains the services of a foreign
15 labor contractor shall only use those foreign
16 labor contractors who are registered under sub-
17 section (f). An employer who uses a foreign
18 labor contractor who is not registered under
19 subsection (f) after such time period, or who
20 uses a foreign labor contractor that has violated
21 any provision of this section, shall be subject to
22 the provisions of this subsection for violations
23 committed by such foreign labor contractor to
24 the same extent as if the employer were the for-

1 eign labor contractor who had committed the
2 violation.

3 (B) SAFE HARBOR.—An employer shall not
4 have any liability under this subsection if the
5 employer hires only workers referred by a for-
6 eign labor contractor that has a valid registra-
7 tion with the Department of Labor pursuant to
8 subsection (f), the employer does not act with
9 deliberate disregard of the fact that the foreign
10 labor contractor has violated any provision of
11 this section, and if the employer obtained
12 knowledge of a violation of the provisions of
13 this section, it immediately reported the viola-
14 tion to the Secretary.

15 (5) RETALIATION.—

16 (A) IN GENERAL.—No person shall intimi-
17 date, threaten, restrain, coerce, discharge or in
18 any other manner discriminate or retaliate
19 against any worker or their family members (in-
20 cluding a former employee or an applicant for
21 employment) because such worker disclosed in-
22 formation to any person that the worker rea-
23 sonably believes evidences a violation of this
24 section (or any rule or regulation pertaining to
25 this section), including seeking legal assistance

1 of counsel or cooperating with an investigation
2 or other proceeding concerning compliance with
3 this section (or any rule or regulation per-
4 taining to this section).

5 (B) ENFORCEMENT.—An individual who is
6 subject to any conduct described in subpara-
7 graph (A) may, in a civil action, recover appro-
8 priate relief (including reasonable attorneys’
9 fees) with respect to that violation. Any civil ac-
10 tion under this subparagraph shall be stayed
11 during the pendency of any criminal action aris-
12 ing out of the violation.

13 (6) PRESENCE DURING PENDENCY OF AC-
14 TIONS.—The Attorney General and the Secretary of
15 Homeland Security shall grant parole to the non-
16 immigrant to remain legally in the United States for
17 time sufficient to fully and effectively participate in
18 all legal proceedings related to any action taken pur-
19 suant to this subsection. Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Homeland Security shall promulgate regu-
22 lations to carry out this provision.

23 (7) RULE OF CONSTRUCTION.—Nothing in this
24 section shall be construed to preempt or alter any

1 other rights or remedies, including any causes of ac-
2 tion, available under any other Federal or State law.

3 **TITLE III—AUTHORIZATION OF**
4 **APPROPRIATIONS**

5 **SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**

6 (a) HUMAN SMUGGLING AND TRAFFICKING CEN-
7 TER.—Section 112A(b)(4) of the Trafficking Victims Pro-
8 tection Act of 2000 (22 U.S.C. 7109a(b)(4)) is amended
9 by striking “fiscal years 2008 through 2011” and insert-
10 ing “fiscal years 2012 and 2013”.

11 (b) AUTHORIZATIONS OF APPROPRIATIONS.—

12 (1) Section 112B(d) of the Trafficking Victims
13 Protection Act of 2000 (22 U.S.C. 7109b(d)) is
14 amended by striking “for each of the fiscal years
15 2008 through 2011, such sums as may be necessary
16 to carry out this section” and inserting “\$500,000
17 for each of the fiscal years 2012 and 2013”.

18 (2) Section 113 of the Trafficking Victims Pro-
19 tection Act of 2000 (22 U.S.C. 7110) is amended—

20 (A) in subsection (a)—

21 (i) in the first sentence—

22 (I) by striking “104,”; and

23 (II) by striking “fiscal years
24 2008 through 2011” and inserting
25 “fiscal years 2012 and 2013”; and

1 (ii) in the second sentence, by striking
2 “fiscal years 2008 through 2011” and in-
3 serting “fiscal years 2012 and 2013”;

4 (B) in subsection (b)—

5 (i) in paragraph (1)—

6 (I) by striking “fiscal years 2008
7 through 2011” and inserting “fiscal
8 years 2012 and 2013”; and

9 (II) by adding at the end the fol-
10 lowing: “Of the amount made avail-
11 able to carry out the purposes of sec-
12 tion 107(b) for a fiscal year, not less
13 than two-thirds of such amount shall
14 be used to provide services for victims
15 under such section.”; and

16 (ii) in paragraph (2), by striking
17 “Secretary of Health and Human Serv-
18 ices” and all that follows and inserting
19 “Secretary of Health and Human Services
20 \$7,000,000 for each of the fiscal years
21 2012 and 2013.”;

22 (C) in subsection (c)(1)—

23 (i) in subparagraph (A), by striking
24 “fiscal years 2008 through 2011” and in-
25 serting “fiscal years 2012 and 2013”;

1 (ii) in subparagraph (B), by striking
2 “fiscal years 2008 through 2011” each
3 place it appears and inserting “fiscal years
4 2012 and 2013”; and

5 (iii) in subparagraph (C), by striking
6 “fiscal years 2008 through 2011” and in-
7 serting “fiscal years 2012 and 2013”;

8 (D) in subsection (d)—

9 (i) by redesignating subparagraphs
10 (A) through (C) as paragraphs (1) through
11 (3), respectively;

12 (ii) in paragraph (1) (as redesign-
13 ated), by striking “fiscal years 2008
14 through 2011” and inserting “fiscal years
15 2012 and 2013”;

16 (iii) in paragraph (2) (as redesign-
17 ated), by striking “fiscal years 2008
18 through 2011” and inserting “fiscal years
19 2012 and 2013”; and

20 (iv) in paragraph (3) (as redesign-
21 ated), by striking “Attorney General” and
22 all that follows and inserting “Attorney
23 General \$7,000,000 for each of the fiscal
24 years 2012 and 2013.”;

25 (E) in subsection (e)—

1 (i) in paragraph (1), by striking “fis-
2 cal years 2008 through 2011” and insert-
3 ing “fiscal years 2012 and 2013”;

4 (ii) in paragraph (2), by striking “fis-
5 cal years 2008 through 2011” and insert-
6 ing “fiscal years 2012 and 2013”; and

7 (iii) in paragraph (3), by striking “fis-
8 cal years 2008 through 2011” and insert-
9 ing “fiscal years 2012 and 2013”;

10 (F) in subsection (f), by striking “fiscal
11 years 2008 through 2011” and inserting “fiscal
12 years 2012 and 2013”;

13 (G) in subsection (h), by striking “fiscal
14 years 2008 through 2011” and inserting “fiscal
15 years 2012 and 2013”; and

16 (H) in subsection (i), by striking “fiscal
17 years 2008 through 2011” and inserting “fiscal
18 years 2012 and 2013”.

19 **SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHOR-**
20 **IZATION ACT OF 2005.**

21 The Trafficking Victims Protection Reauthorization
22 Act of 2005 (Public Law 109–164) is amended—

23 (1) in section 102(b)(7), by striking
24 “\$2,500,000 for each of the fiscal years 2008

1 through 2011” and inserting “\$1,500,000 for each
2 of the fiscal years 2012 and 2013”;

3 (2) in section 201(c) by striking “fiscal years
4 2008 through 2011” each place it appears and in-
5 serting “fiscal years 2012 and 2013”;

6 (3) in section 202(d), by striking “fiscal years
7 2008 through 2011” and inserting “fiscal years
8 2012 and 2013”;

9 (4) in section 203(g) by striking “\$5,000,000
10 for each of the fiscal years 2008 through 2011” and
11 inserting “\$3,000,000 for each of the fiscal years
12 2012 and 2013”; and

13 (5) in section 204(d), by striking “\$20,000,000
14 for each of the fiscal years 2008 through 2011” and
15 inserting “\$10,000,000 for each of the fiscal years
16 2012 and 2013”.

17 **SEC. 303. REPORTING REQUIREMENT.**

18 Not later than March 31 of 2012 and 2013, the
19 President shall submit to Congress a report for the prior
20 fiscal year that shall include—

21 (1) the amount of appropriations that each de-
22 partment or agency for which such appropriations
23 were authorized under the Trafficking Victims Pro-
24 tection Act of 2000 or the Trafficking Victims Pro-

1 tecton Reauthorization Act of 2005 directed to ac-
2 tivities described in such Acts;

3 (2) a list of the activities funded through the
4 appropriations identified in paragraph (1), including
5 the responsible department or agency and the sec-
6 tion of the Trafficking Victims Protection Act of
7 2000 or the Trafficking Victims Protection Reau-
8 thorization Act of 2005 that authorizes such activ-
9 ity; and

10 (3) the appropriations account from which each
11 activity described in paragraph (2) was funded and
12 the amount contributed from such account for each
13 activity.

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