

minish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702.

**(b) Authority of Department of Justice**

Nothing in this title shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this title.

**(c) Implementation and effective dates**

**(1) Contracting requirements**

(A) Not later than 270 days after January 2, 2013, the Federal Acquisition Regulation shall be amended to carry out the requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title.

(B) The requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title, shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after January 2, 2013, and to task and delivery orders awarded on or after such date pursuant to contracts entered before, on, or after such date.

**(2) Investigative and procedural requirements**

Federal agencies shall implement the requirements of sections 1704, 1705, and 1707 (other than subsection (c) of section 1704) not later than 90 days after January 2, 2013.

**(3) Criminal law changes**

The amendments made by section 1706 shall take effect upon the date of enactment and shall apply to conduct taking place on or after such date.

(Pub. L. 112-239, div. A, title XVII, §1708, Jan. 2, 2013, 126 Stat. 2098.)

REFERENCES IN TEXT

This title, referred to in text, is title XVII of div. A of Pub. L. 112-239, which enacted this section and sections 7104a to 7104c of this title, amended sections 7103 and 7104 of this title, section 1351 of Title 18, Crimes and Criminal Procedure, and section 2313 of Title 41, Public Contracts, and enacted provisions set out as a note under section 1101 of Title 8, Aliens and Nationality. For complete classification of title XVII to the Code, see Tables.

Section 1706, referred to in subsecs. (a) and (c)(3), is section 1706 of Pub. L. 112-239, which amended section 1351 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as a note under section 1101 of Title 8, Aliens and Nationality.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, referred to in subsec. (a), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112-239.

Section 1702, referred to in subsecs. (a) and (c)(1), is section 1702 of Pub. L. 112-239, which amended section 7104 of this title.

Section 1703, referred to in subsec. (c)(1), is section 1703 of Pub. L. 112-239, which is classified to section 7104a of this title.

Section 1704, referred to in subsec. (c)(1), (2), is section 1704 of Pub. L. 112-239, which enacted section 7104b of this title and amended section 2313 of Title 41, Public Contracts.

Section 1705, referred to in subsec. (c)(2), is section 1705 of Pub. L. 112-239, which is classified to section 7104c of this title.

Section 1707, referred to in subsec. (c)(2), is section 1707 of Pub. L. 112-239, which amended section 7103 of this title.

The date of enactment, referred to in subsec. (c)(3), probably means the date of enactment of Pub. L. 112-239, which was approved Jan. 2, 2013.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

**§ 7105. Protection and assistance for victims of trafficking**

**(a) Assistance for victims in other countries**

**(1) In general**

The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force, and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons. In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:

(A) Support for local in-country nongovernmental organization-operated hotlines, culturally and linguistically appropriate protective shelters, and regional and international nongovernmental organization networks and databases on trafficking, including support to assist nongovernmental organizations in establishing service centers and systems that are mobile and extend beyond large cities.

(B) Support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations.

(C) Education and training for trafficked women and girls.

(D) The safe integration or reintegration of trafficked individuals into an appropriate community or family, with full respect for the wishes, dignity, and safety of the trafficked individual.

(E) Support for developing or increasing programs to assist families of victims in locating, repatriating, and treating their trafficked family members, in assisting the voluntary repatriation of these family members or their integration or resettlement into appropriate communities, and in providing them with treatment.

(F) In cooperation and coordination with relevant organizations, such as the United

Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations that contract with, or receive grants from, the United States Government to assist refugees and internally displaced persons, support for—

(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and

(ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.

**(2) Additional requirement**

In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims. In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.

**(b) Victims in the United States**

**(1) Assistance**

**(A) Eligibility for benefits and services**

Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [8 U.S.C. 1601 et seq.], an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8, shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 1157 of title 8.

**(B) Requirement to expand benefits and services**

Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, and aliens classified as a non-

immigrant under section 1101(a)(15)(T)(ii) of title 8, without regard to the immigration status of such victims. In the case of nonentitlement programs funded by the Secretary of Health and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.

**(C) Definition of victim of a severe form of trafficking in persons**

For the purposes of this paragraph, the term “victim of a severe form of trafficking in persons” means only a person—

(i) who has been subjected to an act or practice described in section 7102(8) of this title as in effect on October 28, 2000; and

(ii)(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

**(D) Repealed. Pub. L. 108–193, § 6(a)(2), Dec. 19, 2003, 117 Stat. 2880**

**(E) Certification**

**(i) In general**

Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Secretary of Homeland Security, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons or is unable to cooperate with such a request due to physical or psychological trauma; and

(II)(aa) has made a bona fide application for a visa under section 1101(a)(15)(T) of title 8, as added by subsection (e) of this section, that has not been denied; or

(bb) is a person whose continued presence in the United States the Secretary of Homeland Security is ensuring in order to effectuate prosecution of traffickers in persons.

**(ii) Period of effectiveness**

A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Secretary of Homeland Security determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

**(iii) Investigation and prosecution defined**

For the purpose of a certification under this subparagraph, the term “investigation and prosecution” includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons;

(III) testimony at proceedings against such persons; or

(IV) responding to and cooperating with requests for evidence and information.

**(iv) Assistance to investigations**

In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved.

**(F) Eligibility for interim assistance of children**

**(i) Determination**

Upon receiving credible information that a child described in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph may have been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly determine if the child is eligible for interim assistance under this paragraph. The Secretary shall have exclusive authority to make interim eligibility determinations under this clause. A determination of interim eligibility under this clause shall not affect the independent determination whether a child is a victim of a severe form of trafficking.

**(ii) Notification**

The Secretary of Health and Human Services shall notify the Attorney General and the Secretary of Homeland Security not later than 24 hours after all interim eligibility determinations have been made under clause (i).

**(iii) Duration**

Assistance under this paragraph may be provided to individuals determined to be eligible under clause (i) for a period of up to 90 days and may be extended for an additional 30 days.

**(iv) Long-term assistance for children**

**(I) Eligibility determination**

Before the expiration of the period for interim assistance under clause (iii), the Secretary of Health and Human Services shall determine if the child referred to in clause (i) is eligible for assistance under this paragraph.

**(II) Consultation**

In making a determination under subclause (I), the Secretary shall consult with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with exper-

tise on victims of severe form<sup>1</sup> of trafficking.

**(III) Letter of eligibility**

If the Secretary, after receiving information the Secretary believes, taken as a whole, indicates that the child is eligible for assistance under this paragraph, the Secretary shall issue a letter of eligibility. The Secretary may not require that the child cooperate with law enforcement as a condition for receiving such letter of eligibility.

**(G) Notification of children for interim assistance**

Not later than 24 hours after a Federal, State, or local official discovers that a person who is under 18 years of age may be a victim of a severe form of trafficking in persons, the official shall notify the Secretary of Health and Human Services to facilitate the provision of interim assistance under subparagraph (F).

**(2) Grants**

**(A) In general**

Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

**(B) Allocation of grant funds**

Of amounts made available for grants under this paragraph, there shall be set aside—

(i) three percent for research, evaluation, and statistics;

(ii) 5 percent for training and technical assistance, including increasing capacity and expertise on security for and protection of service providers from intimidation or retaliation for their activities;<sup>2</sup>

(iii) one percent for management and administration.

**(C) Limitation on Federal share**

The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

**(c) Trafficking victim regulations**

Not later than 180 days after October 28, 2000, the Attorney General, the Secretary of Homeland Security and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

**(1) Protections while in custody**

Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

<sup>1</sup> So in original. Probably should be "forms".

<sup>2</sup> So in original. The period probably should be "; and".

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

**(2) Access to information**

Victims of severe forms of trafficking shall have access to information about their rights and translation services. To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.

**(3) Authority to permit continued presence in the United States**

**(A) Trafficking victims**

**(i) In general**

If a Federal law enforcement official files an application stating that an alien is a victim of a severe form of trafficking and may be a potential witness to such trafficking, the Secretary of Homeland Security may permit the alien to remain in the United States to facilitate the investigation and prosecution of those responsible for such crime.

**(ii) Safety**

While investigating and prosecuting suspected traffickers, Federal law enforcement officials described in clause (i) shall endeavor to make reasonable efforts to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

**(iii) Continuation of presence**

The Secretary shall permit an alien described in clause (i) who has filed a civil action under section 1595 of title 18 to remain in the United States until such action is concluded. If the Secretary, in consultation with the Attorney General, determines that the alien has failed to exercise due diligence in pursuing such action, the Secretary may revoke the order permitting the alien to remain in the United States.

**(iv) Exception**

Notwithstanding clause (iii), an alien described in such clause may be deported before the conclusion of the administrative and legal proceedings related to a complaint described in such clause if such alien is inadmissible under paragraph (2)(A)(i)(II), (2)(B), (2)(C), (2)(E), (2)(H), (2)(I), (3)(A)(i), (3)(A)(iii), (3)(B), or (3)(C) of section 1182(a) of title 8.

**(B) Parole for relatives**

Law enforcement officials may submit written requests to the Secretary of Homeland Security, in accordance with section 1229b(b)(6) of title 8, to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).

**(C) State and local law enforcement**

The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(i) develop materials to assist State and local law enforcement officials in working with Federal law enforcement to obtain continued presence for victims of a severe form of trafficking in cases investigated or prosecuted at the State or local level; and

(ii) distribute the materials developed under clause (i) to State and local law enforcement officials.

**(4) Training of Government personnel**

Appropriate personnel of the Department of State, the Department of Homeland Security, the Department of Health and Human Services, and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims, including juvenile victims. The Attorney General and the Secretary of Health and Human Services shall provide training to State and local officials to improve the identification and protection of such victims.

**(d) Construction**

Nothing in subsection (c) of this section shall be construed as creating any private cause of action against the United States or its officers or employees.

**(e) Protection from removal for certain crime victims**

**(1)–(4) Omitted**

**(5) Statutory construction**

Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Secretary of Homeland Security from instituting removal proceedings under section 1229a of title 8 against an alien admitted as a nonimmigrant under section 1101(a)(15)(T)(i) of title 8, as added by subsection (e) of this section, for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Secretary of Homeland Security prior to the alien's admission as a nonimmigrant under such section 1101(a)(15)(T)(i) of title 8.

**(f)<sup>3</sup> Assistance for United States citizens and lawful permanent residents**

**(1) In general**

The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of Labor, shall establish a program to assist United States citizens and aliens lawfully admitted for permanent resi-

<sup>3</sup> So in original. Two subsecs. (f) have been enacted.

dence (as defined in section 1101(a)(20) of title 8) who are victims of severe forms of trafficking. In determining the assistance that would be most beneficial for such victims, the Secretary and the Attorney General shall consult with nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

**(2) Use of existing programs**

In addition to specialized services required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall—

(A) facilitate communication and coordination between the providers of assistance to such victims;

(B) provide a means to identify such providers; and

(C) provide a means to make referrals to programs for which such victims are already eligible, including programs administered by the Department of Justice and the Department of Health and Human Services.

**(3) Grants**

**(A) In general**

The Secretary of Health and Human Services and the Attorney General may award grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victim service organizations to develop, expand, and strengthen victim service programs authorized under this subsection.

**(B) Maximum Federal share**

The Federal share of a grant awarded under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted by the grantee.

**(f)<sup>3</sup> Omitted**

**(g) Annual reports**

On or before October 31 of each year, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 1101(a)(15)(T) of title 8, as added by subsection (e) of this section, or who were unable to adjust their status under section 1255(l) of title 8, solely on account of the unavailability of visas due to a limitation imposed by section 1184(o)(2) or 1255(l)(4)(A) of title 8.

(Pub. L. 106-386, div. A, §107, Oct. 28, 2000, 114 Stat. 1474; Pub. L. 107-228, div. A, title VI, §682(a), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 108-193, §§4(a)(1)–(3), 6(a)(2), 8(b)(2), Dec. 19, 2003, 117 Stat. 2877, 2880, 2887; Pub. L. 109-162, title VIII, §804, Jan. 5, 2006, 119 Stat. 3055; Pub. L. 109-164, title I, §102(a), Jan. 10, 2006, 119 Stat. 3560; Pub. L. 110-457, title I, §104, title II, §§205(a)(1), 212, 213(a)(1), (3), Dec. 23, 2008, 122 Stat. 5046, 5060, 5063, 5064, 5066.)

REFERENCES IN TEXT

Section 1101(a)(15)(T)(ii) of title 8, referred to in subsec. (b)(1)(A), (B), was in the original “section 101(a)(15)(T)(ii)”, and was translated as meaning sec-

tion 101(a)(15)(T)(ii) of the Immigration and Nationality Act, act June 27, 1952, ch. 477, which is classified to section 1101(a)(15)(T)(ii) of title 8, to reflect the probable intent of Congress. Section 101 of Pub. L. 106-386 does not contain a subsec. (a)(15)(T)(ii), and section 101(a)(15)(T)(ii) of the Immigration and Nationality Act describes certain nonimmigrant aliens.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in subsec. (b)(1)(A), is Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105. Title IV of the Act is classified principally to chapter 14 (§1601 et seq.) of Title 8, Aliens and Nationality. For complete classification of title IV to the Code, see Tables.

For the amendments made by this section, referred to in subsec. (e)(5), see Codification note below.

CODIFICATION

Section is comprised of section 107 of Pub. L. 106-386. Subsec. (e)(1)–(4) of section 107 of Pub. L. 106-386 amended sections 1101, 1182, and 1184 of Title 8, Aliens and Nationality, and second subsec. (f) of section 107 of Pub. L. 106-386 amended section 1255 of Title 8.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-457, §104(1)(A), inserted “, and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons” after “as identified by the Task Force” in introductory provisions.

Subsec. (a)(1)(F). Pub. L. 110-457, §104(1)(B), added subpar. (F).

Subsec. (a)(2). Pub. L. 110-457, §104(2), inserted at end “In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.”

Subsec. (b)(1)(E)(i)(I). Pub. L. 110-457, §212(a)(1), inserted “or is unable to cooperate with such a request due to physical or psychological trauma” before semicolon.

Subsec. (b)(1)(F), (G). Pub. L. 110-457, §212(a)(2), added subpars. (F) and (G).

Subsec. (b)(2)(B)(ii). Pub. L. 110-457, §213(a)(3), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “two percent for training and technical assistance; and”.

Subsec. (c)(3). Pub. L. 110-457, §205(a)(1), amended par. (3) generally. Prior to amendment, text read as follows: “Federal law enforcement officials may permit an alien individual’s continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.”

Subsec. (c)(4). Pub. L. 110-457, §212(b), inserted “, the Department of Homeland Security, the Department of Health and Human Services,” before “and the Department of Justice” and “, including juvenile victims. The Attorney General and the Secretary of Health and Human Services shall provide training to State and local officials to improve the identification and protection of such victims” before period at end.

Subsec. (f). Pub. L. 110-457, §213(a)(1), added subsec. (f) relating to assistance for United States citizens and lawful permanent residents.

2006—Subsec. (b)(1)(E). Pub. L. 109-162, §804(b)(1), (2), which directed amendment of cl. (i) by inserting “and the Secretary of Homeland Security” after “Attorney General” in introductory provisions and in subcl. (II)(bb) and the amendment of cl. (ii) by inserting “Secretary of Homeland Security” after “Attorney Gen-

eral”, could not be executed because the words “Attorney General” did not appear subsequent to the amendment by Pub. L. 109–162, §804(a)(1). See below.

Pub. L. 109–162, §804(a)(1), substituted “Secretary of Homeland Security” for “Attorney General” wherever appearing.

Subsec. (b)(1)(E)(iii)(IV). Pub. L. 109–162, §804(b)(3), added subcl. (IV).

Subsec. (c). Pub. L. 109–162, §804(a)(2), inserted “, the Secretary of Homeland Security” after “Attorney General” in introductory provisions.

Subsec. (c)(2). Pub. L. 109–164 inserted at end “To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.”

Subsec. (e)(5). Pub. L. 109–162, §804(a)(1), (c), made identical amendments, substituting “Secretary of Homeland Security” for “Attorney General” in two places.

Subsec. (g). Pub. L. 109–162, §804(d), which directed the insertion of “or the Secretary of Homeland Security” after “Attorney General”, could not be executed because the words “Attorney General” did not appear subsequent to the amendment by Pub. L. 109–162, §804(a)(1). See below.

Pub. L. 109–162, §804(a)(1) substituted “Secretary of Homeland Security” for “Attorney General”.

2003—Subsec. (a)(1)(B). Pub. L. 108–193, §4(a)(1), inserted before period at end “, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations”.

Subsec. (b)(1)(A). Pub. L. 108–193, §4(a)(2)(A), inserted “, or an alien classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8,” after “in persons”.

Subsec. (b)(1)(B). Pub. L. 108–193, §4(a)(2)(B), inserted “and aliens classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of title 8,” after “United States,” and inserted sentence at end relating to nonentitlement programs funded by the Secretary of Health and Human Services.

Subsec. (b)(1)(D). Pub. L. 108–193, §6(a)(2), struck out subpar. (D) which related to annual reports on the number of persons receiving benefits or services under paragraph (1).

Subsec. (b)(1)(E)(iv). Pub. L. 108–193, §4(a)(3), added cl. (iv).

Subsec. (g). Pub. L. 108–193, §8(b)(2), substituted “1184(o)(2)” for “1184(n)(1)”.

2002—Subsec. (a)(1). Pub. L. 107–228 inserted “In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:” at end of introductory provisions and added subpars. (A) to (E).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–457, title II, §205(a)(2), Dec. 23, 2008, 122 Stat. 5061, provided that: “The amendment made by paragraph (1) [amending this section]—

“(A) shall take effect on the date of the enactment of this Act [Dec. 23, 2008];

“(B) shall apply to pending requests for continued presence filed pursuant to section 107(c)(3) of the Trafficking Victims Protection Act [of 2000] (22 U.S.C. 7105(c)(3)) and requests filed on or after such date; and

“(C) may not be applied to an alien who is not present in the United States.”

#### SAVINGS PROVISION

Pub. L. 109–162, title I, §104(b), Jan. 5, 2006, 119 Stat. 2979, provided that: “Nothing in this Act [see Tables for classification], or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Traffick-

ing Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).”

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

#### ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING

Pub. L. 109–164, title I, §102(b), Jan. 10, 2006, 119 Stat. 3561, as amended by Pub. L. 110–457, title III, §§302(1), 304(b), Dec. 23, 2008, 122 Stat. 5087, provided that:

“(1) STUDY.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 10, 2006], the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

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

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

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

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

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

“(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

“(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

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

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

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

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

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Agency for International Develop-

ment to carry out this subsection \$2,500,000 for each of the fiscal years 2008 through 2011.”

**§ 7105a. Increasing effectiveness of anti-trafficking programs**

**(a) Awarding of grants, cooperative agreements, and contracts**

In administering funds made available to carry out this Act within and outside the United States—

(1) solicitations of grants, cooperative agreements, and contracts for such programs shall be made publicly available;

(2) grants, cooperative agreements, and contracts shall be subject to full and open competition, in accordance with applicable laws; and

(3) the internal department or agency review process for such grants, cooperative agreements, and contracts shall not be subject to ad hoc or intermittent review or influence by individuals or organizations outside the United States Government except as provided under paragraphs (1) and (2).

**(b) Eligibility**

**(1) In general**

An applicant desiring a grant, contract, or cooperative agreement under this Act shall certify that, to the extent practicable, persons or entities providing legal services, social services, health services, or other assistance have completed, or will complete, training in connection with trafficking in persons.

**(2) Disclosure**

If appropriate, applicants should indicate collaboration with nongovernmental organizations, including organizations with expertise in trafficking in persons.

**(c) Evaluation of anti-trafficking programs**

**(1) In general**

The President shall establish a system to evaluate the effectiveness and efficiency of the assistance provided under anti-trafficking programs established under this Act on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

**(2) Requirements**

In carrying out paragraph (1), the President shall—

(A) establish performance goals for the assistance described in paragraph (1), expressed in an objective and quantifiable form, to the extent practicable;

(B) ensure that performance indicators are used for programs authorized under this Act to measure and assess the achievement of the performance goals described in subparagraph (A);

(C) provide a basis for recommendations for adjustments to the assistance described in paragraph (1) to enhance the impact of such assistance; and

(D) ensure that evaluations are conducted by subject matter experts in and outside the United States Government, to the extent practicable.

**(d) Targeted use of anti-trafficking programs**

In providing assistance under this chapter, the President should take into account the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 7107(b) of this title.

**(e) Consistency with other programs**

The President shall ensure that the design, monitoring, and evaluation of United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) and other similar United States assistance programs are consistent with United States policies and other United States programs relating to combating trafficking in persons.

**(f) Authorization of appropriations**

For each of the fiscal years 2008 through 2011, not more than 5 percent of the amounts made available to carry out this chapter may be used to carry out this section, including—

(1) evaluations of promising anti-trafficking programs and projects funded by the disbursing agency pursuant to this Act; and

(2) evaluations of emerging problems or global trends.

(Pub. L. 106-386, div. A, §107A, as added Pub. L. 110-457, title I, §105, Dec. 23, 2008, 122 Stat. 5047.)

REFERENCES IN TEXT

This Act, referred to in text, is the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1464. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

This chapter, referred to in subsecs. (d) and (f), was in the original “this division” meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (e), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

**§ 7106. Minimum standards for the elimination of trafficking**

**(a) Minimum standards**

For purposes of this chapter, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the gov-