

or grantee had a plan in place under section 7104a of this title, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

**(4) Aggravating factor**

Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

**(d) Inclusion of report conclusions in FAPIIS**

**(1) In general**

The head of an executive agency shall ensure that any substantiated allegation in the report under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS) and that the contractor has an opportunity to respond to any such report in accordance with applicable statutes and regulations.

**(2) Omitted**

(Pub. L. 112–239, div. A, title XVII, §1704, Jan. 2, 2013, 126 Stat. 2094.)

REFERENCES IN TEXT

Section 7104(g) of this title, as amended by section 1702, referred to in subsecs. (a)(1), (2), (b), and (c)(1), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112–239.

CODIFICATION

Section is comprised of section 1704 of Pub. L. 112–239. Subsec. (d)(2) of section 1704 of Pub. L. 112–239 amended section 2313 of Title 41, Public Contracts.

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.

EFFECTIVE DATE

Requirements of subsec. (c) and second sentence of subsec. (a)(1) of this section applicable to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after Jan. 2, 2013, and to task and delivery orders awarded on or after Jan. 2, 2013, pursuant to contracts entered before, on, or after such date, see section 7104d(c)(1)(B) of this title.

**§ 7104c. Notification to Inspectors General and cooperation with government**

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 7104(g) of this title, as amended by section 1702 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(Pub. L. 112–239, div. A, title XVII, §1705, Jan. 2, 2013, 126 Stat. 2097.)

REFERENCES IN TEXT

Section 7104(g) of this title, as amended by section 1702 of this Act, referred to in par. (1), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112–239.

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.

**§ 7104d. Rules of construction; effective date**

**(a) Liability**

Excluding section 1706, nothing in this title shall be construed to supersede, enlarge, or diminish 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 organi-

zations 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 and shall brief Congress annually on such efforts.

#### (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