

2007”, was executed by making the substitution for “2006 through 2007”, to reflect the probable intent of Congress.

RECOMMENDATIONS TO PREVENT SEX TRAFFICKING OF
INDIAN WOMEN

Pub. L. 111-211, title II, §264, July 29, 2010, 124 Stat. 2300, provided that: “Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.”

§ 20702. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking

(a) Grant program

The Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to establish, develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(b) Selection factor

In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation as a part of their proposed project.

(c) Limitation on Federal share

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

(d) Authorization of appropriations

There are authorized to be appropriated \$8,000,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in this section.

(Pub. L. 109-164, title II, §202, Jan. 10, 2006, 119 Stat. 3569; Pub. L. 110-457, title III, §302(3), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113-4, title XII, §1241(a), Mar. 7, 2013, 127 Stat. 149.)

CODIFICATION

Section was formerly classified to section 14044a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Pub. L. 113-4 temporarily amended section generally, so as to consist of subsecs. (a) to (j) relating to grant programs to develop, expand, and strengthen assistance programs for certain persons subject to trafficking. See Effective and Termination Dates of 2013 Amendment note below.

2008—Subsec. (d). Pub. L. 110-457 substituted “\$8,000,000 for each of the fiscal years 2008 through 2011” for “\$10,000,000 for each of the fiscal years 2006 and 2007”.

EFFECTIVE AND TERMINATION DATES OF 2013
AMENDMENT

Pub. L. 113-4, title XII, §1241(b), Mar. 7, 2013, 127 Stat. 153, provided that: “The amendment made by subsection (a) [amending this section] shall be effective during the 4-year period beginning on the date of the enactment of this Act [March 7, 2013].”

§ 20703. Victim-centered child human trafficking deterrence block grant program

(a) Grants authorized

The Attorney General may award block grants to an eligible entity to develop, improve, or expand domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims’ services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

(b) Authorized activities

Grants awarded under subsection (a) may be used for—

(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

(A) identify victims and acts of child human trafficking;

(B) address the unique needs of child victims of human trafficking;

(C) facilitate the rescue of child victims of human trafficking;

(D) investigate and prosecute acts of human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking; and

(E) utilize, implement, and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of child sex trafficking victims for prostitution offenses, and other laws aimed at the investigation and prosecution of child human trafficking;

(2) the establishment or enhancement of dedicated anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer’s time on duty that is dedicated to working on cases involving child human trafficking;

(B) investigation expenses for cases involving child human trafficking, including—

(i) wire taps;

(ii) consultants with expertise specific to cases involving child human trafficking;

(iii) travel; and

(iv) other technical assistance expenditures;

(C) dedicated anti-trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenders, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this section shall be not more than the percentage of the total number of hours worked by the prosecutor that is spent working on cases involving child human trafficking;

(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims' services through coordination with—

- (i) child advocacy centers;
- (ii) social service agencies;
- (iii) State governmental health service agencies;
- (iv) housing agencies;
- (v) legal services agencies; and
- (vi) nongovernmental organizations and shelter service providers with substantial experience in delivering wrap-around services to victims of child human trafficking; and

(E) the establishment or enhancement of other necessary victim assistance programs or personnel, such as victim or child advocates, child-protective services, child forensic interviews, or other necessary service providers;

(3) activities of law enforcement agencies to find homeless and runaway youth, including salaries and associated expenses for retired Federal law enforcement officers assisting the law enforcement agencies in finding homeless and runaway youth; and

(4) the establishment or enhancement of problem solving court programs for trafficking victims that include—

(A) mandatory and regular training requirements for judicial officials involved in the administration or operation of the court program described under this paragraph;

(B) continuing judicial supervision of victims of child human trafficking, including case worker or child welfare supervision in collaboration with judicial officers, who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

(C) the development of a specialized and individualized, court-ordered treatment program for identified victims of child human trafficking, including—

- (i) State-administered outpatient treatment;
- (ii) life skills training;
- (iii) housing placement;
- (iv) vocational training;

(v) education;

(vi) family support services; and

(vii) job placement;

(D) centralized case management involving the consolidation of all of each child human trafficking victim's cases and offenses, and the coordination of all trafficking victim treatment programs and social services;

(E) regular and mandatory court appearances by the victim during the duration of the treatment program for purposes of ensuring compliance and effectiveness;

(F) the ultimate dismissal of relevant non-violent criminal charges against the victim, where such victim successfully complies with the terms of the court-ordered treatment program; and

(G) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and nongovernmental organizations with substantial experience in delivering wrap-around services to victims of child human trafficking to provide services to victims and encourage cooperation with law enforcement.

(c) Application

(1) In general

An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

(2) Required information

An application submitted under this subsection shall—

(A) describe the activities for which assistance under this section is sought;

(B) include a detailed plan for the use of funds awarded under the grant;

(C) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section; and

(D) disclose—

(i) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (b) for which the eligible entity has applied, and which application is pending on the date of the submission of an application under this section; and

(ii) any other such grant funding that the eligible entity has received during the 5-year period ending on the date of the submission of an application under this section.

(3) Preference

In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) through (3) of subsection (b); or

(B) the application includes a plan by the State or unit of local government to con-

tinue funding of all activities funded by the award after the expiration of the award.

(4) Eligible entities soliciting data on child human trafficking

No eligible entity shall be disadvantaged in being awarded a grant under subsection (a) on the grounds that the eligible entity has only recently begun soliciting data on child human trafficking.

(d) Duration and renewal of award

(1) In general

A grant under this section shall expire 3 years after the date of award of the grant.

(2) Renewal

A grant under this section shall be renewable not more than 2 times and for a period of not greater than 2 years.

(e) Evaluation

The Attorney General shall—

(1) enter into a contract with a nongovernmental organization, including an academic or nonprofit organization, that has experience with issues related to child human trafficking and evaluation of grant programs to conduct periodic evaluations of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section;

(2) instruct the Inspector General of the Department of Justice to review evaluations issued under paragraph (1) to determine the methodological and statistical validity of the evaluations; and

(3) submit the results of any evaluation conducted pursuant to paragraph (1) to—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(f) Mandatory exclusion

An eligible entity awarded funds under this section that is found to have used grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

(g) Compliance requirement

An eligible entity shall not be eligible to receive a grant under this section if within the 5 fiscal years before submitting an application for a grant under this section, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

(h) Administrative cap

The cost of administering the grants authorized by this section shall not exceed 5 percent of the total amount expended to carry out this section.

(i) Federal share

The Federal share of the cost of a program funded by a grant awarded under this section shall be—

(1) 70 percent in the first year;

(2) 60 percent in the second year; and

(3) 50 percent in the third year, and in all subsequent years.

(j) Authorization of funding; fully offset

For purposes of carrying out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, is authorized to award not more than \$7,000,000 of the funds available in the Domestic Trafficking Victims' Fund, established under section 3014 of title 18, for each of fiscal years 2016 through 2020.

(k) Definitions

In this section—

(1) the term “child” means a person under the age of 18;

(2) the term “child advocacy center” means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);¹

(3) the term “child human trafficking” means 1 or more severe forms of trafficking in persons (as defined in section 7102 of title 22) involving a victim who is a child; and

(4) the term “eligible entity” means a State or unit of local government that—

(A) has significant criminal activity involving child human trafficking;

(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;

(C) has developed a workable, multi-disciplinary plan to combat child human trafficking, including—

(i) the establishment of a shelter for victims of child human trafficking, through existing or new facilities;

(ii) the provision of trauma-informed, gender-responsive rehabilitative care to victims of child human trafficking;

(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of human trafficking, with a focus on domestic child human trafficking;

(iv) prevention, deterrence, and prosecution of offenses involving child human trafficking, including soliciting, patronizing, or purchasing human acts with children;

(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth;

(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or child, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

(vii) cooperation or referral agreements with State child welfare agencies and child advocacy centers; and

(D) provides an assurance that, under the plan under subparagraph (C), a victim of

¹ See References in Text note below.

child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services provided with a grant under this section.

(I) Grant accountability; specialized victims' service requirement

No grant funds under this section may be awarded or transferred to any entity unless such entity has demonstrated substantial experience providing services to victims of human trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of human trafficking victims.

(Pub. L. 109-164, title II, §203, Jan. 10, 2006, 119 Stat. 3570; Pub. L. 110-457, title III, §302(4), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 114-22, title I, §103(a), May 29, 2015, 129 Stat. 231.)

REFERENCES IN TEXT

The Victims of Child Abuse Act of 1990, referred to in subsec. (k)(2), is Pub. L. 101-647, title II, Nov. 29, 1990, 104 Stat. 4792. Subtitle A of the Act was classified generally to subchapter I (§13001 et seq.) of chapter 132 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter I (§20301 et seq.) of chapter 203 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14044b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2015—Pub. L. 114-22 amended section generally. Prior to amendment, section related to pilot program for protection of juvenile victims of trafficking in persons.

2008—Subsec. (g). Pub. L. 110-457 substituted “2008 through 2011” for “2006 and 2007”.

§ 20704. Grant accountability

(a) Definition

In this section, the term “covered grant” means a grant awarded by the Attorney General under section 20703 of this title, as amended by section 103.

(b) Accountability

All covered grants shall be subject to the following accountability provisions:

(1) Audit requirement

(A) In general

Beginning in the first fiscal year beginning after May 29, 2015, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of a covered grant to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(B) Definition

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or

resolved within 12 months from the date when the final audit report is issued.

(C) Mandatory exclusion

A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the following 2 fiscal years.

(D) Priority

In awarding covered grants the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a covered grant.

(E) Reimbursement

If an entity is awarded a covered grant during the 2-fiscal-year period in which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition

For purposes of this paragraph and covered grants, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of title 26.

(B) Prohibition

The Attorney General may not award a covered grant to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

(C) Disclosure

Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(3) Conference expenditures

(A) Limitation

No amounts transferred to the Department of Justice under this title,¹ or the amendments made by this title,¹ may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this

¹ See References in Text note below.