

(2) Human trafficking

The term “human trafficking” means an act or practice described in paragraph (9) or (10)¹ of section 7102 of title 22.

(3) Secretary

The term “Secretary” means the Secretary of Homeland Security.

(Pub. L. 114–22, title IX, §901, May 29, 2015, 129 Stat. 264.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IX of Pub. L. 114–22, which is classified principally to this subchapter. For complete classification of title IX to the Code, see Tables.

Paragraphs (9) and (10) of section 7102 of title 22, referred to in par. (2), were redesignated pars. (11) and (12), respectively, of section 7102 of title 22 by Pub. L. 115–427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 642. Training for Department personnel to identify human trafficking**(a) In general**

Not later than 180 days after May 29, 2015, the Secretary shall implement a program to—

(1) train and periodically retrain relevant Transportation Security Administration, U.S. Customs and Border Protection, and other Department personnel that the Secretary considers appropriate, with respect to how to effectively deter, detect, and disrupt human trafficking, and, where appropriate, interdict a suspected perpetrator of human trafficking, during the course of their primary roles and responsibilities; and

(2) ensure that the personnel referred to in paragraph (1) regularly receive current information on matters related to the detection of human trafficking, including information that becomes available outside of the Department’s initial or periodic retraining schedule, to the extent relevant to their official duties and consistent with applicable information and privacy laws.

(b) Training described

The training referred to in subsection (a) may be conducted through in-class or virtual learning capabilities, and shall include—

(1) methods for identifying suspected victims of human trafficking and, where appropriate, perpetrators of human trafficking;

(2) for appropriate personnel, methods to approach a suspected victim of human trafficking, where appropriate, in a manner that is sensitive to the suspected victim and is not likely to alert a suspected perpetrator of human trafficking;

(3) training that is most appropriate for a particular location or environment in which

the personnel receiving such training perform their official duties;

(4) other topics determined by the Secretary to be appropriate; and

(5) a post-training evaluation for personnel receiving the training.

(c) Training curriculum review

The Secretary shall annually reassess the training program established under subsection (a) to ensure it is consistent with current techniques, patterns, and trends associated with human trafficking.

(Pub. L. 114–22, title IX, §902, May 29, 2015, 129 Stat. 265.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 643. Certification and report to Congress**(a) Certification**

Not later than 1 year after May 29, 2015, the Secretary shall certify to Congress that all personnel referred to in section 402(a)¹ have successfully completed the training required under that section.

(b) Report to Congress

Not later than 1 year after May 29, 2015, and annually thereafter, the Secretary shall report to Congress with respect to the overall effectiveness of the program required by this subchapter, the number of cases reported by Department personnel in which human trafficking was suspected, and, of those cases, the number of cases that were confirmed cases of human trafficking.

(Pub. L. 114–22, title IX, §903, May 29, 2015, 129 Stat. 265.)

Editorial Notes

REFERENCES IN TEXT

Section 402(a), referred to in subsec. (a), probably should be a reference to section 902(a), meaning section 902(a) of Pub. L. 114–22, which is classified to section 642(a) of this title. Section 402 of Pub. L. 114–22, which is classified to section 21301 of Title 34, Crime Control and Law Enforcement, does not contain a subsec. (a) and does not relate to the training of personnel.

This subchapter, referred to in subsec. (b), was in the original “this title”, meaning title IX of Pub. L. 114–22, which is classified principally to this subchapter. For complete classification of title IX to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 644. Assistance to non-Federal entities

The Secretary may provide training curricula to any State, local, or tribal government or private organization to assist the government or

¹ See References in Text note below.

¹ See References in Text note below.

organization in establishing a program of training to identify human trafficking, upon request from the government or organization.

(Pub. L. 114-22, title IX, §904, May 29, 2015, 129 Stat. 266.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 645. Victim protection training for the Department of Homeland Security

(a) Directive to DHS law enforcement officials and task forces

(1) In general

Not later than 180 days after December 21, 2018, the Secretary shall issue a directive to—

(A) all Federal law enforcement officers and relevant personnel employed by the Department who may be involved in the investigation of human trafficking offenses; and

(B) members of all task forces led by the Department that participate in the investigation of human trafficking offenses.

(2) Required instructions

The directive required to be issued under paragraph (1) shall include instructions on—

(A) the investigation of individuals who patronize or solicit human trafficking victims as being engaged in severe trafficking in persons and how such individuals should be investigated for their roles in severe trafficking in persons; and

(B) how victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

(b) Victim screening protocol

(1) In general

Not later than 180 days after December 21, 2018, the Secretary shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department is involved.

(2) Requirements

The protocol required to be issued under paragraph (1) shall—

(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts, child labor that is a violation of law, or work in violation of labor standards to determine whether each individual screened is a victim of human trafficking;

(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

(C) be developed in consultation with relevant interagency partners and nongovern-

mental organizations that specialize in the prevention of human trafficking or in the identification and support of victims of human trafficking and survivors of human trafficking; and

(D) include—

(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

(ii) guidelines on assisting victims of human trafficking in identifying and receiving restorative services.

(c) Mandatory training

The training described in sections 642 and 644 of this title shall include training necessary to implement—

(1) the directive required under subsection (a); and

(2) the protocol required under subsection (b).

(Pub. L. 114-22, title IX, §906, as added Pub. L. 115-392, §5(a), Dec. 21, 2018, 132 Stat. 5252.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 645a. Human trafficking assessment

Not later than 1 year after December 21, 2018, and annually thereafter, the Executive Associate Director of Homeland Security Investigations shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on human trafficking investigations undertaken by Homeland Security Investigations that includes—

(1) the number of confirmed human trafficking investigations by category, including labor trafficking, sex trafficking, and transnational and domestic human trafficking;

(2) the number of victims by category, including—

(A) whether the victim is a victim of sex trafficking or a victim of labor trafficking; and

(B) whether the victim is a minor or an adult; and

(3) an analysis of the data described in paragraphs (1) and (2) and other data available to Homeland Security Investigations that indicates any general human trafficking or investigatory trends.

(Pub. L. 115-393, title IV, §403, Dec. 21, 2018, 132 Stat. 5275.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Act of 2017, and not as part of the