

117TH CONGRESS
2D SESSION

S. 3643

To direct the Attorney General to study issues relating to human trafficking,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2022

Mrs. GILLIBRAND (for herself and Mr. RUBIO) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to study issues relating to
human trafficking, 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.**

4 This Act may be cited as the “Put Trafficking Vic-
5 tims First Act of 2022”.

6 **SEC. 2. TRAINING FOR PROSECUTIONS OF TRAFFICKERS**
7 **AND SUPPORT FOR STATE SERVICES FOR**
8 **VICTIMS OF TRAFFICKING.**

9 It is the sense of Congress that a portion of the funds
10 available for training and technical assistance under sec-

tion 107(b)(2)(B)(ii) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)(B)(ii)) should be devoted to advancing the following goals:

(1) Increasing the personal safety of organizations working in the human trafficking field, who may face intimidation or retaliation for their activities.

(2) Promoting a trauma-informed, evidence-based, culturally competent, and victim-centered approach to the provision of services for victims of trafficking.

(3) Ensuring that law enforcement officers and prosecutors make every attempt to determine whether an individual is a victim of human trafficking before arresting the individual for, or charging the individual with, an offense that is related to the trafficking victimization of the individual.

(4) Effectively prosecuting traffickers and individuals who patronize or solicit children for sex, and facilitating access for child victims of commercial sex trafficking to the services and protections afforded to other victims of sexual violence.

(5) Encouraging States to improve efforts to identify and meet the needs of human trafficking victims and individuals at risk for trafficking victim-

1 ization, through methods that are responsive to the
2 needs of victims in their communities.

3 **SEC. 3. WORKING TO DEVELOP METHODOLOGIES TO AS-**
4 **SESS PREVALENCE OF HUMAN TRAFFICKING.**

5 (a) WORKING GROUP.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Attorney Gen-
8 eral, in consultation with other Federal entities en-
9 gaged in efforts to combat human trafficking, shall
10 establish an expert working group, which shall in-
11 clude survivors of human trafficking, experts on sex
12 and labor trafficking, representatives from organiza-
13 tions collecting data on human trafficking, and law
14 enforcement officers. The working group shall, uti-
15 lizing, to the extent practicable, existing efforts of
16 agencies, task forces, States, localities, tribes, re-
17 search institutions, and organizations—

18 (A) identify barriers to the collection of
19 data on the incidence of sex and labor traf-
20 ficking; and

21 (B) recommend practices to promote better
22 data collection and analysis.

23 (2) PILOT TESTING.—Not later than 3 years
24 after the date of enactment of this Act, the Attorney

1 General shall implement a pilot project to test prom-
2 ising methodologies studied under paragraph (1).

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act, the Attorney Gen-
6 eral, in consultation with the Secretary of Labor, the
7 Secretary of Health and Human Services, the Sec-
8 retary of Homeland Security, and the Director of
9 the Center for Countering Human Trafficking of the
10 Department of Homeland Security, shall submit to
11 Congress a report on—

12 (A) Federal efforts to estimate the preva-
13 lence of human trafficking at the national and
14 regional levels;

15 (B) the effectiveness of current policies
16 and procedures to address the needs of victims
17 of trafficking; and

18 (C) an analysis of demographic character-
19 istics of victims of trafficking in different re-
20 gions of the United States and recommenda-
21 tions for how to address the unique
22 vulnerabilities of different victims.

23 (2) INPUT FROM RELEVANT PARTIES.—In de-
24 veloping the report under paragraph (1), the Attor-
25 ney General shall seek input from the United States

1 Advisory Council on Human Trafficking, victims of
2 sex and labor trafficking, human trafficking survivor
3 advocates, service providers for victims of sex and
4 labor trafficking, and the President's Interagency
5 Task Force on Human Trafficking.

6 (c) SURVEY.—Not later than 2 years after the date
7 of enactment of this Act, the Attorney General, in coordi-
8 nation with Federal, State, local, and Tribal governments,
9 and private organizations, including victim service pro-
10 viders and expert researchers, shall develop and execute
11 a survey of survivors seeking and receiving victim assist-
12 ance services for the purpose of improving the provision
13 of services to human trafficking victims and victim identi-
14 fication in the United States. Survey results shall be made
15 publicly available on the website of the Department of Jus-
16 tice.

17 (d) NO ADDITIONAL FUNDS.—No additional funds
18 are authorized to carry out this section.

19 **SEC. 4. REPORT ON PROSECUTORS SEEKING RESTITUTION**
20 **IN TRAFFICKING CASES.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Attorney General, in consultation with the
23 Administrative Office of the United States Courts, shall
24 submit to Congress a report on efforts to increase restit-
25 tion to victims of human trafficking.

1 **SEC. 5. SENSE OF CONGRESS ENCOURAGING STATES TO**
2 **ADOPT PROTECTIONS FOR VICTIMS OF TRAF-**
3 **FICKING.**

4 Congress recognizes and applauds the State legisla-
5 tive bodies that have taken tremendous steps to adopt pro-
6 tections and services for victims of trafficking. Congress
7 encourages States to—

8 (1) uphold the dignity of human trafficking sur-
9 vivors;

10 (2) ensure the safety, confidentiality, and well-
11 being of victims of trafficking, while recognizing
12 symptoms of trauma and coping mechanisms that
13 may impact victims' interactions with law enforce-
14 ment, the justice system, and service providers;

15 (3) implement screening mechanisms to identify
16 and extend appropriate services to children in the
17 custody of child protective services agencies, the ju-
18 venile justice system, or the criminal justice system
19 who are or may be victims of trafficking;

20 (4) promote greater access to child welfare serv-
21 ices and other appropriate victim services for, rather
22 than criminalization of, child victims of sex traf-
23 ficking;

24 (5) develop a 24-hour emergency response plan
25 by which victims of human trafficking may receive
26 immediate protection, shelter, and support from a

1 victim assistance coordinator when those victims are
2 first identified;

3 (6) adopt protections for adult victims of traf-
4 ficking, such as protection if the victim's safety is at
5 risk, comprehensive trauma-informed, long-term, cul-
6 turally competent care and healing services, mental
7 health services to relieve traumatic stress, housing,
8 education (including, where appropriate, vocational
9 training and employment assistance), mentoring,
10 language assistance, drug and substance abuse serv-
11 ices, and legal services; and

12 (7) ensure that child trafficking victims are
13 treated as children in need of child protective serv-
14 ices and receive appropriate care from child welfare
15 and other appropriate victim services, rather than
16 juvenile justice, system.

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