

Public Law 117–348
117th Congress

An Act

To reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.

Jan. 5, 2023

[S. 3949]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Trafficking Victims Prevention and Protection Reauthorization Act of 2022”.

Trafficking
Victims
Prevention and
Protection
Reauthorization
Act of 2022.
22 USC 7101
note.

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TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs To Support Young Victims Who Are Vulnerable To Human Trafficking

SEC. 101. AUTHORITY TO AWARD COMPETITIVE GRANTS TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.

(a) **IN GENERAL.**—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) is amended by adding at the end the following:

42 USC 628c.

“SEC. 429A. GRANTS TO STATES TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.

“(a) **PURPOSE.**—The purpose of this section is to authorize the Secretary, in collaboration with the Attorney General and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice—

“(1) to make grants to State child welfare and juvenile justice agencies and child- and youth-serving agencies to collaborate in the collection of data relating to dual status youth; and

Procedures.

“(2) to develop practices, policies, and protocols—

“(A) to confront the challenges presented and experienced by dual status youth; and

“(B) for the development of interoperable data systems.

“(b) **AUTHORITY TO AWARD GRANTS.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations, from amounts reserved under section 423(a)(2) for a fiscal year, the Secretary shall award competitive grants jointly to a State child welfare agency and a State juvenile justice agency to facilitate or enhance collaboration between the child welfare and juvenile justice systems of the State in order to carry out programs to address the needs of dual status youth and their families.

“(2) **LENGTH OF GRANTS.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), a grant shall be awarded under this section for a period of not less than 2 fiscal years and not more than 5 fiscal years.

“(B) **EXTENSION OF GRANT.**—Upon the application of the grantee, the Secretary may extend the period for which a grant is awarded under this section for not more than 2 fiscal years.

“(c) **ADDITIONAL REQUIREMENTS.**—

“(1) **APPLICATION.**—In order for a State to be eligible for a grant under this section, the State shall submit an application, subject to the approval of the Secretary, that includes—

“(A) a description of the proposed leadership collaboration group (including the membership of such group), and how such group will manage and oversee a review and analysis of current practices while working to jointly

address enhanced practices to improve outcomes for dual status youth;

“(B) a description of how the State proposes—

“(i) to identify dual status youth;

“(ii) to identify individuals who are at risk of becoming dual status youth;

“(iii) to identify common characteristics shared by dual status youth in the State; and

“(iv) to determine the prevalence of dual status youth in the State;

“(C) a description of current and proposed practices and procedures that the State intends to use—

“(i) to screen and assess dual status youth for risks and treatment needs;

“(ii) to provide targeted and evidence-based services, including educational, behavioral health, and pro-social treatment interventions for dual status youth and their families; and

“(iii) to provide for a lawful process to enhance or ensure the abilities of the State and any relevant agencies to share information and data about dual status youth, while maintaining confidentiality and privacy protections under Federal and State law; and

“(D) a certification that the State has involved local governments, as appropriate, in the development, expansion, modification, operation, or improvement of proposed policy and practice reforms to address the needs of dual status youth.

Certification.

“(2) NO SUPPLANTATION OF OTHER FUNDS.—Any amounts paid to a State under a grant under this section shall be used to supplement and not supplant other State expenditures on dual status youths or children involved with either the child welfare or juvenile justice systems.

“(3) EVALUATION.—Up to 10 percent of the amount made available to carry out this section for a fiscal year shall be made available to the Secretary to evaluate the effectiveness of the projects funded under this section, using a methodology that—

“(A) includes random assignment whenever feasible, or other research methods that allow for the strongest possible causal inferences when random assignment is not feasible; and

“(B) generates evidence on the impact of specific projects, or groups of projects with identical (or similar) practices and procedures.

“(4) REPORT.—A State child welfare agency and a State juvenile justice agency receiving a grant under this section shall jointly submit to the Secretary, the Attorney General, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, a report on the evaluation of the activities carried out under the grant at the end of each fiscal year during the period of the grant. Such report shall include—

“(A) a description of the scope and nature of the dual status youth population in the State, including the number of dual status youth;

- Analysis.
- “(B) a description of the evidence-based practices and procedures used by the agencies to carry out the activities described in clauses (i) through (iii) of paragraph (1)(C); and
- “(C) an analysis of the effects of such practices and procedures, including information regarding—
- “(i) the collection of data related to individual dual status youths;
- “(ii) aggregate data related to the dual status youth population, including—
- “(I) characteristics of dual status youths in the State;
- “(II) case processing timelines; and
- “(III) information related to case management, the provision of targeted services, and placements within the foster care or juvenile justice system; and
- “(iii) the extent to which such practices and procedures have contributed to—
- “(I) improved educational outcomes for dual status youths;
- “(II) fewer delinquency referrals for dual status youths;
- “(III) shorter stays in intensive restrictive placements for dual status youths; or
- “(IV) such other outcomes for dual status youths as the State child welfare agency and State juvenile justice agency may identify.
- “(d) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may support State child welfare agencies and State juvenile justice agencies by offering a program, developed in consultation with organizations and agencies with subject matter expertise, of training and technical assistance to assist such agencies in developing programs and protocols that draw on best practices for serving dual status youth in order to facilitate or enhance—
- “(1) collaboration between State child welfare agencies and State juvenile justice agencies; and
- “(2) the effectiveness of such agencies with respect to working with Federal agencies and child welfare and juvenile justice agencies from other States.
- “(e) REPORT.—Not later than 3 years after the date of enactment of this section, and every 3 years thereafter, the Secretary, the Attorney General, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall jointly submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives, a report on the grants provided under this section.
- “(f) DEFINITIONS.—In this section:
- “(1) DUAL STATUS YOUTH.—The term ‘dual status youth’ means a child who has come into contact with both the child welfare and juvenile justice systems and occupies various statuses in terms of the individual’s relationship to such systems.
- “(2) LEADERSHIP COLLABORATION GROUP.—The term ‘leadership collaboration group’ means a group composed of senior

officials from the State child welfare agency, the State juvenile justice agency, and other relevant youth and family-serving public agencies and private organizations, including, to the extent practicable, representatives from the State judiciary branch.

“(3) STATE JUVENILE JUSTICE AGENCY.—The term ‘State juvenile justice agency’ means the agency of the State or Indian tribe responsible for administering grant funds awarded under the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.).

“(4) STATE CHILD WELFARE AGENCY.—The term ‘State child welfare agency’ means the State agency responsible for administering the program under this subpart, or, in the case of a tribal organization that is receiving payments under section 428, the tribal agency responsible for administering such program.”.

(b) CONFORMING AMENDMENTS.—Section 423(a) of such Act (42 U.S.C. 623(a)) is amended—

(1) by striking “The sum appropriated” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), the sum appropriated”; and

(2) by adding at the end the following:

“(2) GRANTS TO STATES TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.—For each fiscal year beginning with fiscal year 2023 for which the amount appropriated under section 425 for the fiscal year exceeds \$270,000,000—

“(A) the Secretary shall reserve from such excess amount such sums as are necessary for making grants under section 429A for such fiscal year; and

“(B) the remainder to be applied under paragraph (1) for purposes of making allotments to States for such fiscal year shall be determined after the Secretary first allots \$70,000 to each State under such paragraph and reserves such sums under subparagraph (A) of this paragraph.”.

Determination.

SEC. 102. ELIMINATION OF SUNSET FOR ADVISORY COUNCIL ON HUMAN TRAFFICKING.

The Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114-22) is amended by striking subsection (h).

22 USC 7103b.

SEC. 103. PILOT PROGRAM FOR YOUTH AT HIGH RISK OF BEING TRAFFICKED.

Section 202(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20702(b)) is amended by adding at the end the following:

“(5) PILOT DEMONSTRATION PROGRAM.—

“(A) ESTABLISHMENT.—The Assistant Attorney General, in consultation with the Assistant Secretary, shall establish a pilot demonstration program, through which community-based organizations in underserved communities, prioritizing rural communities, in the United States may apply for funding to develop, implement, and build replicable treatment models, based on the type of housing unit that the individual being treated lives in, with supportive services and innovative care, treatment, and services.

“(B) POPULATION TO BE SERVED.—The program established pursuant to subparagraph (A) shall primarily serve adolescents and youth who—

“(i) are transitioning out of foster care;

“(ii) struggle with substance use disorder;

“(iii) are pregnant or parenting; or

“(iv) have experienced foster care involvement or involvement in the child welfare system, child poverty, child abuse or neglect, human trafficking, juvenile justice involvement, gang involvement, or homelessness.

“(C) AUTHORIZED ACTIVITIES.—Funding provided under subparagraph (A) may be used for—

“(i) providing residential care, including temporary or long-term placement as appropriate;

“(ii) providing 24-hour emergency social services response;

“(iii) providing clothing and other daily necessities needed to keep individuals from returning to living on the street;

“(iv) case management services;

“(v) mental health counseling, including specialized counseling and substance abuse treatment;

“(vi) legal services;

“(vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking and labor trafficking victims on issues related to the sex trafficking and labor trafficking of minors; and

“(viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking and labor trafficking of minors.

“(D) FUNDING PRIORITY.—The Assistant Attorney General shall give funding priority to community-based programs that provide crisis stabilization, emergency shelter, and addiction treatment for adolescents and transitional age residential programs that have reputable outcomes.”.

Subtitle B—Governmental Efforts To Prevent Human Trafficking

SEC. 121. COMPTROLLER GENERAL REPORT ON OVERSIGHT OF FEDERAL SUPPLY CHAINS.

(a) IN GENERAL.—Not later than June 1, 2024, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Federal contract supply chain oversight related to the prevention of trafficking in persons.

Assessments.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the following:

(1) The compliance of Federal agencies with the requirement under section 1704(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104b(c)(1)) to refer to suspension and debarment officials allegations of trafficking in persons activities on the part of contract, grant, and cooperative agreement recipients.

(2) The compliance of Federal agencies with the requirement to include the contract clause regarding combating trafficking in persons provided for under section 222.50 of the Federal Acquisition Regulation (or successor regulations).

(3) Federal agency enforcement and monitoring activities related to ensuring the compliance of Federal contractors and subcontractors with the annual certification requirements under such section 222.50.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 122. ENSURING ANTI-TRAFFICKING-IN-PERSONS TRAININGS AND PROVISIONS INTO CODES OF CONDUCT OF ALL FEDERAL DEPARTMENTS AND EXECUTIVE AGENCIES.

5 USC 4103 note.

(a) **FINDINGS.**—Congress finds the following:

(1) Human trafficking is inimical to every Federal agency’s core values and inherently harmful and dehumanizing.

(2) Through the adoption of a Code of Conduct, Federal agencies hold their personnel to similar standards that are required of contractors and subcontractors of the agency under Federal law.

(3) Human trafficking is a violation of human rights and against Federal law.

(4) The United States Government seeks to deter activities that would facilitate or support trafficking in persons.

(b) **SENSE OF CONGRESS ON IMPLEMENTATION OF ANTI-TRAFFICKING-IN-PERSONS POLICIES.**—It is the sense of Congress that—

(1) beginning not later than 18 months after the date of the enactment of this Act, the head of every Federal agency should incorporate a module on human trafficking into its staff training requirements and menu of topics to be covered in the annual ethics training of such agency;

(2) such staff trainings should teach employees how to prevent, identify, and report trafficking in persons;

(3) Federal agencies that already provide counter trafficking-in-persons training for staff should share their curricula with agencies that do not have such curricula;

(4) the head of each agency should inform all candidates for employment about the anti-trafficking provisions in the Code of Conduct of the agency;

(5) employees of each Federal agency should sign acknowledgment of the agency’s Code of Conduct, which should be kept in the file of the employee; and

(6) a violation of the Code of Conduct should lead to disciplinary action, up to and including termination of employment.

(c) **POLICY FOR EXECUTIVE BRANCH EMPLOYEES.**—The President shall take such steps as may be necessary to ensure that each officer and employee (including temporary employees, persons stationed abroad while working for the United States, and detailees from other agencies of the Federal Government) of an agency in

Deadline.

President.
Requirements.

the executive branch of the Federal Government is subject to a policy with a minimum standard that contains—

(1) a prohibition from engaging in human trafficking while employed by the Government in a full-time or part-time capacity;

(2) a requirement that all Federal personnel, without regard to whether the person is stationed abroad, be sensitized to human trafficking and the ethical conduct requirements that prohibit the procurement of trafficking in persons;

(3) a requirement that all such personnel be equipped with the necessary knowledge and tools to prevent, recognize, report, and address human trafficking offenses through a training for new personnel and through regular refresher courses offered every 2 years; and

(4) a requirement that all such personnel report to the applicable inspector general and agency trafficking in persons point of contact any suspected cases of misconduct, waste, fraud, or abuse relating to trafficking in persons.

(d) **TIMING.**—The policy described in subsection (c)—

(1) shall be established or integrated into all applicable employee codes of conduct not later than 18 months after the date of the enactment of this Act;

(2) may not replace any preexisting code of conduct that contains more robust requirements than the requirements described in subsection (c); and

(3) shall be signed by all personnel described in subsection (c) not later than 2 years after such date of enactment.

Public
information.

(e) **REPORTING.**—The Office of Inspector General of a Federal department or agency, in consultation with the head of such agency, shall submit an annual report to Congress, which shall be publicly accessible, containing—

(1) the number of suspected violations reported;

(2) the number of investigations;

(3) the status and outcomes of such investigations; and

(4) any recommended actions to improve the programs and operations of such agency.

Recommendations.

Reports.

SEC. 123. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ACCESSIBILITY OF MENTAL HEALTH SERVICES AND SUBSTANCE USE DISORDER SERVICES.

Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the accessibility of mental health services and substance use disorder treatment and recovery for survivors of human trafficking in the United States of various ages; and

(2) submit a report to Congress containing the findings of such study and recommendations for increased accessibility and affordability for survivors of trafficking.

42 USC 1862w.

SEC. 124. NSF SUPPORT OF RESEARCH ON IMPACTS OF SOCIAL MEDIA ON HUMAN TRAFFICKING.

(a) **DEFINITIONS.**—In this section:

(1) **HUMAN TRAFFICKING.**—The term “human trafficking” means an act or practice described in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)).

(2) **SOCIAL MEDIA PLATFORM.**—The term “social media platform” means a website or internet medium that—

(A) permits a person to become a registered user, establish an account, or create a profile for the purpose of allowing users to create, share, and view user-generated content through such an account or profile;

(B) enables 1 or more users to generate content that can be viewed by other users of the medium; and

(C) primarily serves as a medium for users to interact with content generated by other users of the medium.

(b) SUPPORT OF RESEARCH.—The Director of the National Science Foundation, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of Health and Human Services, shall support merit-reviewed and competitively awarded research on the impact of online social media platforms on the maintenance or expansion of human trafficking, which may include—

(1) fundamental research on digital forensic tools or other technologies for verifying the authenticity of social media platform users and their materials, that are utilized in the promotion or operation of human trafficking networks;

(2) fundamental research on privacy preserving technical tools that may aid law enforcement’s ability to identify and prosecute individuals or entities promoting or involved in human trafficking;

(3) social and behavioral research related to social media platform users who engage with those promoting or involved in human trafficking;

(4) research on the effectiveness of expanding public understanding, awareness, or law enforcement efforts in combating human trafficking through social media platforms; and

(5) research awards coordinated with other Federal agencies and programs, including the Information Integrity Research and Development Interagency Working Group and the Privacy Research and Development Interagency Working Group of the Networking and Information Technology Research and Development Program, the Office for Victims of Crime of the Department of Justice, the Blue Campaign of the Department of Homeland Security, the Office to Monitor and Combat Trafficking in Persons of the Department of State, and activities of the Department of Transportation and the Advisory Committee on Human Trafficking.

(c) SURVIVORS.—To the extent possible, the Director of the National Science Foundation shall ensure that research supported under subsection (b) incorporates the experiences, input, and safety and privacy concerns of human trafficking survivors.

(d) REPORTS.—

(1) FINDINGS AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives—

(A) the Director’s findings with respect to the feasibility for research opportunities, including with the private sector

social media platform companies, to improve the ability to combat human trafficking operations; and

(B) any recommendations of the Director that could facilitate and improve communication and coordination among the private sector, the National Science Foundation, and relevant Federal agencies to improve the ability to combat human trafficking operations through social media.

(2) RESULTS OF RESEARCH.—Not later than 4 years after the date of enactment of this Act, the Director of the National Science Foundation shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives on the results of the research supported under this section.

Subtitle C—Monitoring Child, Forced, and Slave Labor

SEC. 131. TRANSPARENCY IN ANTI-TRAFFICKING EXPENDITURES.

Deadlines.
Public
information.
Web posting.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than October 1 of each of the following 5 years, the head of each Federal department or agency to which amounts are appropriated for the purpose of awarding grants for anti-trafficking in persons, and the head of each Federal department and agency contributing to the annual congressional earmark for counter-trafficking in persons, shall publish on the public website of the department or agency, with respect to the prior fiscal year—

(1) each obligation or expenditure of Federal funds for the purpose of combating human trafficking and forced labor; and

(2) subject to subsection (b), and with respect to each such obligation or expenditure, the name of a primary recipient, and any subgrantees, and their project location, activity, award amounts, and award periods.

Determination.

(b) EXCEPTION FOR SECURITY CONCERNS.—If the head of a Federal department or agency determines that a primary recipient or subgrantee for purposes of subsection (a) has a security concern—

(1) the award recipients shall not be publicly identified pursuant to subsection (a)(2); and

(2) only the activity, award amounts, and award periods shall be publicly listed pursuant to such subsection.

SEC. 132. SENSE OF CONGRESS REGARDING UNITED STATES COMPANIES ADOPTING COUNTER-TRAFFICKING-IN-PERSONS POLICIES.

It is the sense of Congress that—

Deadline.

(1) companies headquartered or doing business in the United States that are not small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) should adopt a written policy not later than 18 months after the date of the enactment of this Act that—

- (A) prohibits trafficking in persons;
- (B) is published annually; and
- (C) is accessible in a prominent place on their public website; and
- (2) such policy should expressly prohibit the company, its employees, or agents from—
 - (A) engaging in human trafficking;
 - (B) using forced labor for the development, production, shipping, or sale of its goods or services;
 - (C) destroying, concealing, confiscating, or otherwise denying access by an employee to the employee’s identity or immigration documents, such as passports or drivers’ licenses, regardless of issuing authority;
 - (D) using misleading or fraudulent practices during the recruitment of employees or offering of employment, such as—
 - (i) failing to disclose, in a format and language understood by the employee or potential employee, basic information; or
 - (ii) making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including—
 - (I) wages and fringe benefits;
 - (II) the location of work;
 - (III) the living conditions;
 - (IV) housing and associated costs (if employer- or agent-provided or arranged);
 - (V) any significant costs to be charged to the employee or potential employee; and
 - (VI) the hazardous nature of the work, if applicable;
 - (E) using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
 - (F) providing or arranging housing that fails to meet the host country housing and safety standards; and
 - (G) failing to provide an employment contract, recruitment agreement, or other required work document—
 - (i) in writing—
 - (I) in a language the employee understands;
 - or
 - (II) along with an independent interpreter if the document cannot be provided in a language the employee understands;
 - (ii) not later than 5 days before the employee relocates, if relocation is required to perform the work; and
 - (iii) that includes details about work description, wages, work locations, living accommodations and associated costs, time off, round-trip transportation arrangements, grievance processes, and the content of applicable laws and regulations that prohibit trafficking in persons.

Deadline.

SEC. 133. AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

Section 111(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(b)(1)) is amended by striking “a victim of”

and all that follows and inserting “a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of human trafficking.”.

SEC. 134. SENSE OF CONGRESS REGARDING TIMELY SUBMISSION OF DEPARTMENT OF JUSTICE REPORTS.

It is the sense of Congress that—

(1) the Department of Justice has failed to meet its reporting requirements under title IV of the Trafficking Victims Protection Act of 2017 (34 U.S.C. 10101 et seq.); and

(2) progress on critical data collection about human trafficking and crime reporting are in jeopardy as a result of such failure and must be addressed immediately.

SEC. 135. SENSE OF CONGRESS ON CRITERIA FOR CLASSIFYING VICTIMS OF CHILD SEX TRAFFICKING.

It is the sense of Congress that—

(1) all States (including the District of Columbia) and territories should evaluate whether to eliminate the requirement for third-party control to properly qualify a child as a victim of sex trafficking, to—

(A) aid in the identification and prevention of child sex trafficking;

(B) protect children; and

(C) appropriately prosecute perpetrators to the fullest extent of the law; and

(2) a person is qualified as a victim of child sex trafficking if the person is a victim, as a child, of human trafficking.

SEC. 136. MISSING AND ABDUCTED FOSTER CHILDREN AND YOUTH.

It is the sense of Congress that—

(1) each State child welfare agency should—

(A) prioritize developing and implementing protocols to comply with section 471(a)(35) of the Social Security Act (42 U.S.C. 671(a)(35)), as amended by section 137; and

(B) report the information the agency receives about missing or abducted foster children and youth to the National Center on Missing and Exploited Children and to law enforcement authorities for inclusion in the Federal Bureau of Investigation’s National Crime Information Center database, in accordance with section 471(a)(34) of the Social Security Act (42 U.S.C. 671(a)(34));

(2) the reports described in paragraph (1)(B)—

(A) should be made immediately (and in no case later than 24 hours) after the information is received; and

(B) were required to be provided to the Secretary of Health and Human Services beginning on September 30, 2016; and

(3) according to section 471(a)(34) of such Act, each State child welfare agency was required to submit annual reports to the Secretary of Health and Human Services beginning on September 30, 2017, to notify the Secretary of the total number of children and youth who are victims of human trafficking.

SEC. 137. MODIFICATION TO STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) **STATE PLAN AMENDMENT.**—Section 471(a)(35)(B) of the Social Security Act (42 U.S.C. 671(a)(35)(B)) is amended by striking the semicolon at the end and inserting the following: “(referred to in this subparagraph as “NCMEC”), and that the State agency shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child or youth, including by sharing information pertaining to the child’s or youth’s recovery and circumstances related to the recovery, and that the State report submitted to law enforcement agencies and NCMEC shall include where reasonably possible—

“(i) a photo of the missing or abducted child or youth;

“(ii) a description of the child’s or youth’s physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and

“(iii) endangerment information, such as the child’s or youth’s pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.”

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) **DELAY IF STATE LEGISLATION REQUIRED.**—In the case of a State plan under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

42 USC 671 note.

Determination.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. EXTENSION OF AUTHORIZATIONS UNDER THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “To carry out the purposes of sections 106(b) and 107(b),” and inserting “To carry out the purposes of sections 106(b) and 107(b) of this Act and section 429A of the Social Security Act,”; and

(B) in paragraph (2), by striking “2018 through 2021” and inserting “2023 through 2028”;

(2) in subsection (d)(3), by striking “\$11,000,000 to the Attorney General for each of the fiscal years 2018 through 2021” and inserting “\$11,000,000 to the Attorney General for each of the fiscal years 2023 through 2028”;

(3) in subsection (f), by striking “2018 through 2021.” and inserting “2023 through 2028”; and

(4) in subsection (i)—

(A) by striking “2018 through 2021” and inserting “2023 through 2028”; and

(B) by inserting “of which \$2,000,000 shall be made available each fiscal year for the establishment of a labor trafficking investigation team within the Department of Homeland Security Center for Countering Human Trafficking, and the remaining funds shall be used” after “expended.”.

Appropriation
authorization.
Time period.

SEC. 202. IMPROVING ENFORCEMENT OF SECTION 307 OF THE TARIFF ACT OF 1930.

There is authorized to be appropriated \$20,000,000, for each of fiscal years 2023 through 2028, to the Commissioner of U.S. Customs and Border Protection to strengthen the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

TITLE III—SEVERABILITY

22 USC 7103b
note.

SEC. 301. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

Approved January 5, 2023.

LEGISLATIVE HISTORY—S. 3949:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 20, considered and passed Senate.

Dec. 22, considered and passed House.

