

Calendar No. 45

118TH CONGRESS }
1st Session }

SENATE

{ REPORT
118-17

IMPACTT HUMAN TRAFFICKING ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 670

TO IMPROVE SERVICES FOR TRAFFICKING VICTIMS
BY ESTABLISHING, IN HOMELAND SECURITY
INVESTIGATIONS, THE INVESTIGATORS MAINTAIN
PURPOSEFUL AWARENESS TO COMBAT TRAFFICKING
TRAUMA PROGRAM AND THE VICTIM ASSISTANCE PROGRAM



MAY 4, 2023.—Ordered to be printed

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IMPACTT HUMAN TRAFFICKING ACT

MAY 4, 2023.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 670]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 670) to improve services for trafficking victims by establishing, in Homeland Security Investigations, the Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program and the Victim Assistance Program, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

S. 670, the *IMPACTT Human Trafficking Act*, would enhance the Department of Homeland Security's (DHS) Homeland Security Investigations (HSI) efforts to combat human trafficking by codifying and expanding the HSI Victim Assistance Program (VAP) to provide services for trafficking victims. The bill would also establish a program to safeguard HSI employees and partners who are ex-

posed to repeated stress and associated trauma in working with victims of human trafficking.¹

II. BACKGROUND AND THE NEED FOR LEGISLATION

Human trafficking is the second largest criminal industry in the world, falling shortly behind the drug trade.² This crime is a violation of human rights and involves either commercial sexual exploitation or forced labor.³ Human trafficking involves profiting from the exploitation of a human being and that exploitation may be repeated for a continued period of time. According to the U.S. National Human Trafficking Hotline, there were 16,658 victims of human trafficking identified through the hotline in 2020 alone.⁴ Human trafficking victims can be of any gender, age, race, ethnicity, nationality, religion, and socio-economic class. This increasingly prevalent crime is estimated to yield global profits of \$150 billion every year.⁵

Since the creation of DHS in 2003, HSI has played a leading role in identifying victims of human trafficking and child exploitation, as well as bringing violators to justice.⁶ HSI pursues a victim-centered approach to human trafficking, seeking to minimize additional trauma, mitigate undue penalization, and stabilize and support victims.⁷ This approach encourages survivors to participate actively in investigations, enabling law enforcement to better detect, investigate, and prosecute perpetrators.⁸ It also requires significant efforts from the agents and specialists involved, who work tirelessly to bring perpetrators to justice in a way that ensures victims have sufficient support.

This bill codifies and enhances the VAP through which victim assistance professionals serve victims identified through HSI investigations. This bill would create additional Victim Assistance Specialist (VAS) positions to ensure every office participating in a human trafficking or child exploitation task force will have a dedicated VAS. Currently, there are only enough VASs to serve the largest field offices within HSI, leaving the majority of offices to rely on agents who are not professional VASs to provide victim assistance as a secondary responsibility alongside their criminal investigative work.⁹ The VAP and its expansion is essential to car-

¹On August 3, 2022, the Committee approved S. 4611, to improve services for trafficking victims by establishing, in Homeland Security Investigations, the Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program and the Victim Assistance Program, with an amendment to include a short title. That bill is substantially similar to S. 670. Accordingly, this committee report is, in many respects, similar to the committee report for S. 4611. See S. Rept. 117-327.

²U.S. Agency for International Development, *Countering Trafficking in Persons* (www.usaid.gov/trafficking) (accessed Nov. 30, 2022).

³Department of Homeland Security, Blue Campaign, *Human Trafficking 101* (Apr. 2020) (https://www.dhs.gov/sites/default/files/publications/ht_101_one-pager_.pdf).

⁴Polaris Project, *Human Trafficking Trends in 2020, An analysis of data from the U.S. National Human Trafficking Hotline* (Jan. 2022) (polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf).

⁵U.S. Department of Homeland Security, *Countering Human Trafficking: Year in Review (October 2020 to September 2021)* (Jan. 2022) (www.dhs.gov/sites/default/files/2022-02/CCHT%20Annual%20Report.pdf).

⁶U.S. Immigration and Customs Enforcement, Investigations, *Human Trafficking: Leading the Global Fight Against Human Trafficking* (www.ice.gov/investigations/human-trafficking) (accessed April 28, 2023).

⁷U.S. Department of Homeland Security, DHS Center for Countering Human Trafficking (www.dhs.gov/dhs-center-countering-human-trafficking) (accessed Aug. 18, 2022).

⁸*Id.*

⁹DHS Center for Countering Human Trafficking, Homeland Security Investigations, Briefing with Senate Homeland Security and Governmental Affairs Staff (June 14, 2022).

rying out HSI's victim-centered approach. VASs provide victim support and referral to services throughout the investigative and prosecutorial process.¹⁰ Through this program, VASs also provide training and outreach to HSI employees, law enforcement and victim service partners, private sector stakeholders, and community organizations to increase identification of victims and referrals for human trafficking investigations.¹¹ This bill would ensure that there are additional VASs to provide required trainings on victims' rights, victim-related policies, roles of forensic interviewers and VASs, and approaches that are victim-centered, trauma informed, and linguistically appropriate.

The VAP provides forensic interview support that is crucial for successful investigations and aims to ensure victims are not re-traumatized.¹² It also provides training and technical assistance to agents and other law enforcement partners to ensure victims have access to the rights and services to which they are entitled. This bill would allow funds to be available, through the VAP, for emergency expenditures for items related to basic needs upon recovery of a victim, such as food, clothing, hygiene products, transportation, and temporary shelter. By making these funds immediately accessible, victims would receive these items in a more expeditious manner.

Trauma experienced by human trafficking victims can be devastating and often involves extreme psychological and physical abuse at the hands of traffickers. Vicarious and other secondary trauma exposure occurs when those working with victims, including law enforcement officers, witness the initial recovery and observe first-hand the cruelty and violence the victim has endured; listen to victims recount vivid details of their victimization; are exposed to videos and images of severe exploitation; and witness the long road to recovery, which often includes regressive setbacks.¹³ This trauma can significantly affect the physical and emotional well-being of the law enforcement, forensic interviewers, service providers, and other professionals who are working with victims.¹⁴ According to the Department of Justice's Office of Victims of Crime, some of the common negative reactions of vicarious and other associated trauma include difficulty managing emotions; physical problems or complaints, including decreased resistance to illness; loss of a sense of meaning in life; relationship problems; aggressive or violent outbursts and behavior; destructive coping or addictive behaviors; and a combination of symptoms that comprise a diagnosis of Posttraumatic Stress Disorder (PTSD), among other reactions.¹⁵

This bill would codify a program initiated at HSI in 2022 to provide support to address such secondary trauma. The Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program (IMPACTT) program was developed after agents working in the field and at the HSI Center for Countering Human Traf-

¹⁰ U.S. Immigration and Customs Enforcement, Victims Assistance Program (www.ice.gov/partnerships-centers/vap) (accessed Apr. 28, 2023).

¹¹ *Id.*

¹² *Id.*

¹³ U.S. Department of Justice, Office of Victims of Crime, What is Vicarious Trauma? (ovc.ojp.gov/program/vtt/what-is-vicarious-trauma) (accessed Apr. 28, 2023).

¹⁴ *Id.*

¹⁵ *Id.*

ficking identified a significant need to address these issues.¹⁶ The IMPACTT program provides outreach and training to HSI employees and partners who have been exposed to vicarious trauma in working with victims of human trafficking.¹⁷ The bill requires the IMPACTT program to provide self-awareness training to those working with victims on recognizing the signs of burnout, stress, and vicarious trauma. This training must provide tools and resources for self-care and resilience. Additionally, training must be provided to first line supervisors of relevant employees on recognizing the aforementioned signs and providing the appropriate response.

III. LEGISLATIVE HISTORY

Senator Peters (D–MI) introduced S. 670, the IMPACTT Human Trafficking Act, on March 7, 2023, with original cosponsors Senator Lankford (R–OK) and Senator Cornyn (R–TX). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 670 at a business meeting on March 29, 2023. During the business meeting, Senator Paul offered an amendment to the bill. The Paul amendment would have sunset both the IMPACTT program and the VAP after two years. The amendment also included a requirement for the Government Accountability Office to review both programs and provide reports on their effectiveness. It would have also required that emergency expenditures be purchased by other government agencies in addition to nongovernmental organizations before utilizing VAP funds, when available. Finally, the amendment would have prevented additional funds from being appropriated to carry out this bill and would have allowed DHS to carry out the bill using only previously appropriated funds. The Paul amendment was not adopted by voice vote, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Hawley present. The bill was ordered reported favorably by roll call vote of 12 yeas and 0 nays, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Hawley voting in the affirmative, and with Senators Carper, Johnson, and Marshall voting yea by proxy, for the record only.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title as the “IMPACTT Human Trafficking Act.”

Section 2. Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma program

Subsection (a) codifies the IMPACTT program at HSI, within U.S. Immigration and Customs Enforcement (ICE). The IMPACTT program, as codified, will provide outreach and training to HSI employees and partners who have been exposed to vicarious trauma in working with victims of human trafficking.

¹⁶ DHS Center for Countering Human Trafficking, Homeland Security Investigations, Briefing with Senate Homeland Security and Governmental Affairs Staff (June 14, 2022).

¹⁷*Id.*

Subsection (b)(1) requires, through the IMPACTT program, that self-awareness training be provided to the relevant employees on recognizing the signs of burnout, compassion fatigue, critical incident stress, traumatic stress, posttraumatic stress, secondary traumatic stress, and vicarious trauma. This training must include mechanisms of self-care, resilience, and resources available through the employee assistance program. This training must include notification about resources that are available through ICE, such as the Employee Assistance Program, Peer Support Program, and Chaplain Program, in addition to potential resources outside ICE, such as faith-based and community-based resources. Additionally, training must be provided to first line supervisors of relevant employees on recognizing the aforementioned signs and providing the appropriate response.

Subsection (b)(2) requires that training modules be carried out by licensed and accredited clinicians or other subject matter experts who have been trained on the exposure of various forms of trauma and other stressors experienced in working with victims. Clinicians may have experience working with faith-based or community-based organizations, counseling programs, or other social service programs.

Subsection (b)(3) also charges the DHS Center for Countering Human Trafficking with overseeing the IMPACTT program to ensure training is offered to all relevant employees, appropriate program materials are distributed, and any needed travel and equipment is provided.

Section 3. Homeland Security Investigations Victim Assistance Program

Subsection(a) amends Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. §251 *et seq.*) by adding Section 447, Homeland Security Investigations Victim Assistance Program to the end of the existing section.

Section 447 subsection (a) defines “Forensic Interview Specialist” as an interviewer who has specialized experience and training in conducting trauma-informed forensic interviews with victims of crime. It defines “Victim” as defined in the Victim’s Rights and Restitution Act of 1990. It also defines “Victim Assistance Specialist” as a victim assistance professional who has experience working with victims of crime in a service capacity and has been trained on the exposure of various forms of trauma and other stressors experienced in working with victims, and who may have experience working with local government and community-based organizations, including victim advocacy centers, child advocacy centers, child welfare agencies, faith-based organizations, and other social service programs.

Section 447 subsection (b) of section establishes the HSI VAP.

Section 447 subsection (c) provides HSI with VASs to serve victims identified through HSI investigations in every Special Agent in Charge Office and every office that participates in a human trafficking or child exploitation task force. The VAP is authorized to provide oversight, guidance, training, travel, equipment, and coordination to victim assistance personnel throughout the United States. VASs will provide training regarding victims’ rights, victim-related policies, roles of forensic interviewers and VASs, and an ap-

proach that is victim-centered, trauma-informed, and to the extent feasible, linguistically appropriate. This subsection also allows for emergency expenditures for items needed to assist identified victims in HSI investigations, including food, clothing, hygiene products, transportation, and temporary shelter, when not otherwise provided by a nongovernmental organization.

Subsection (b) of the bill includes a technical amendment that amends Subtitle D of title IV of the Homeland Security Act of 2002 to replace “Bureau of Border Security” with “U.S. Immigration and Customs Enforcement.”

Section 4. Annual report

This section requires the Secretary of Homeland Security to submit a report to Congress no later than one year after enactment, and annually thereafter, that identifies the number of trainings provided through the IMPACTT program, the number of personnel who received such training, and the number of human trafficking victims assisted by the HSI VAP during the reporting period.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 670, IMPACTT Human Trafficking Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 29, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	43	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 670 would establish the Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma (IMPACTT) program, which would provide outreach and training to Homeland Security Investigations (HSI) employees who have been exposed to trauma

while working with victims of human trafficking. The program would be overseen by the Center for Countering Human Trafficking within Immigrations and Customs Enforcement (ICE).

S. 670 also would codify and expand ICE’s Victim Assistance Program, which provides guidance on victim assistance, training and technical assistance, and case consultation in HSI investigations. The bill would require the agency to hire additional forensic interview and victim assistance specialists. Forensic interview specialists support HSI investigators in questioning potential victims of abuse and victim assistance specialists assess victims’ needs and make referrals for support services. Finally, S. 670 would require the agency to submit an annual report to the Congress on the number of people served by both the IMPACTT and Victim Assistance Programs.

CBO estimates that enacting S. 670 would cost \$43 million over the 2024–2028 period. Such spending would be subject to the availability of appropriated funds. The costs of the legislation, detailed in Table 1, would fall within budget function 750 (administration of justice).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 670

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023–2028
Estimated Authorization	0	9	9	9	10	10	47
Estimated Outlays	0	7	8	9	9	10	43

S. 670 would require ICE to hire one forensic interview specialist and one victim assistance specialist for each Special Agent in the Charge Office. It also would require the agency to hire one victim assistance specialist for each HSI office participating in a human trafficking or child sexual exploitation task force. Using information from ICE on current personnel levels, CBO estimates that the agency would need an additional 25 staff to comply with the bill’s requirements, for a total cost of \$40 million over the 2024–2028 period.

Using information from ICE, CBO estimates that it would also cost the agency \$3 million over the 2024–2028 period for additional contracting and administrative costs to create new training materials for the IMPACTT program and to complete the reporting requirements.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Chad Chirico, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

SEC 1. SHORT TITLE; TABLE OF CONTENTS.

* * * * *

Subtitle C—Miscellaneous Provisions

* * * * *

[Sec. 422. Functions of Administrator of General Services.] *Sec. 442. U.S. Immigration and Customs Enforcement.*

* * * * *

Subtitle D—Immigration Enforcement Functions

* * * * *

Sec. 446. Sense of Congress regarding construction of fencing near San Diego, California.
Sec. 447. *Homeland Security Investigations Victim Assistance Program.*

* * * * *

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY

* * * * *

Subtitle D—U.S. Immigration and Customs

* * * * *

SEC. 442. [ESTABLISHMENT OF BUREAU OF BORDER SECURITY] U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) **ESTABLISHMENT [OF BUREAU].—**

(1) **IN GENERAL.**—There shall be in the Department of Homeland Security a bureau to be known as **[the “Bureau of Border Security”]** *U.S. Immigration and Customs Enforcement.*

(2) **ASSISTANT SECRETARY.**—The head of **[the Bureau of Border Security]** *U.S. Immigration and Customs Enforcement* shall be the Assistant Secretary of **[the Bureau of Border Security]** *U.S. Immigration and Customs Enforcement*, who—

(A) * * *

(B) * * *

(3) **FUNCTIONS.**—The Assistant Secretary of **[the Bureau of Border Security]** *U.S. Immigration and Customs Enforcement*—

- (A) * * *
- (i) * * *
- (ii) * * *

(B) * * *

(C) shall advise the Under Secretary for Border and Transportation Security with respect to any policy or operation of **the Bureau of Border Security** *U.S. Immigration and Customs Enforcement* that may affect the Bureau of Citizenship and Immigration Services established under subtitle E, including potentially conflicting policies or operations.

(4) PROGRAM TO COLLECT INFORMATION RELATING TO FOREIGN STUDENTS.—The Assistant Secretary of **the Bureau of Border Security** *U.S. Immigration and Customs Enforcement* shall be responsible for administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and shall use such information to carry out the enforcement functions of **the Bureau** *the agency*.

(5) MANAGERIAL ROTATION PROGRAM.—

(A) IN GENERAL.—Not later than 1 year after the date on which the transfer of functions specified under section 441 takes effect, the Assistant Secretary of **the Bureau of Border Security** *U.S. Immigration and Customs Enforcement* shall design and implement a managerial rotation program under which employees of such **bureau** *agency* holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, United States Code, as a GS-14 or above, shall—

- (i) gain some experience in all the major functions performed by such **bureau** *agency*; and
- (ii) work in at least one local office of such **bureau** *agency*.

(B) REPORT.—Not later than 2 years after the date on which the transfer of functions specified under section 441 takes effect, the Secretary shall submit a report to the Congress on the implementation of such program.

(b) CHIEF OF POLICY AND STRATEGY.—

(1) IN GENERAL.—There shall be a position of Chief of Policy and Strategy for **the Bureau of Border Security** *U.S. Immigration and Customs Enforcement*.

(2) FUNCTIONS.—In consultation with **Bureau of Border Security** *U.S. Immigration and Customs Enforcement* personnel in local offices, the Chief of Policy and Strategy shall be responsible for—

(A) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

(B) coordinating immigration policy issues with the Chief of Policy and Strategy for **the Bureau of** *U.S. Citizenship and Immigration Services* (established under subtitle E), as appropriate.

(c) **LEGAL ADVISOR.**—There shall be a principal legal advisor to the Assistant Secretary of **[the Bureau of Border Security]** *U.S. Immigration and Customs Enforcement*. The legal advisor shall provide specialized legal advice to the Assistant Secretary of **[the Bureau of Border Security]** *U.S. Immigration and Customs Enforcement* and shall represent the **[bureau]** *agency* in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.

SEC. 443. PROFESSIONAL RESPONSIBILITY AND QUALITY REVIEW.

The Secretary shall be responsible for—

(1) * * *

(2) inspecting the operations of U.S. Immigration and Customs Enforcement and providing assessments of the quality of the operations of **[such bureau]** *such agency* as a whole and each of its components; and

* * * * *

SEC. 447. HOMELAND SECURITY INVESTIGATIONS VICTIM ASSISTANCE PROGRAM.

(a) **DEFINITIONS.**—*In this section:*

(1) **FORENSIC INTERVIEW SPECIALIST.**—*The term “forensic interview specialist” is an interview professional who has specialized experience and training in conducting trauma-informed forensic interviews with victims of crime.*

(2) **VICTIM.**—*The term “victim” has the meaning given such term in section 503(e)(2) of the Victims’ Rights and Restitution Act of 1990 (34 U.S.C. 20141(e)(2)).*

(3) **VICTIM ASSISTANCE SPECIALIST.**—*The term “victim assistance specialist” is a victim assistance professional who—*

(A) *has experience working with victims of crime in a service capacity;*

(B) *has been trained on the exposure of various forms of trauma and other stressors experienced in working with victims; and*

(C) *may have experience working with local government and community-based organizations, including victim advocacy centers, child advocacy centers, child welfare agencies, faith-based organizations, and other social service programs.*

(b) **IN GENERAL.**—*There is established, in Homeland Security Investigations of U.S. Immigration and Customs Enforcement, the Victim Assistance Program.*

(c) **FUNCTIONS.**—*The Victim Assistance Program shall—*

(1) *provide oversight, guidance, training, travel, equipment, and coordination to Homeland Security Investigations victim assistance personnel throughout the United States;*

(2) *recruit not fewer than—*

(A) *1 forensic interview specialist and 1 victim assistance specialist for each Homeland Security Investigations Special Agent in Charge office;*

“(B) *1 victim assistance specialist for—*

“(i) *every Homeland Security Investigations office participating in a human trafficking task force; and*

“(ii) *every Homeland Security Investigations office participating in a child sexual exploitation task force;*

(3) *support Homeland Security Investigations regional attaché offices, to the extent necessary;*

(4) *provide training regarding victims’ rights, victim-related policies, roles of forensic interviewers and victim assistance specialists, and an approach that is—*

“(A) victim-centered;

“(B) trauma-informed; and

“(C) linguistically appropriate, to the extent feasible; and

(5) *purchase emergency items that are needed to assist identified victims in Homeland Security Investigations criminal investigations, including food, clothing, hygiene products, transportation, and temporary shelter that is not otherwise provided by a nongovernmental organization.*

* * * * *

