

(3) *VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999*.—Section 203(c)(5) of the *Veterans Entrepreneurship and Small Business Development Act of 1999* (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SEC. 1699a. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the *Small Business Jobs Act of 2010* (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands,”.

TITLE XVII—ENDING TRAFFICKING IN GOVERNMENT CONTRACTING

Sec. 1701. Definitions.

Sec. 1702. Contracting requirements.

Sec. 1703. Compliance plan and certification requirement.

Sec. 1704. Monitoring and investigation of trafficking in persons.

Sec. 1705. Notification to inspectors general and cooperation with Government.

Sec. 1706. Expansion of penalties for fraud in foreign labor contracting to include attempted fraud and work outside the United States.

Sec. 1707. Improving Department of Defense accountability for reporting trafficking in persons claims and violations.

Sec. 1708. Rules of construction; effective date.

SEC. 1701. DEFINITIONS.

In this title:

(1) *EXECUTIVE AGENCY*.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(2) *SUBCONTRACTOR*.—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(3) *SUBGRANTEE*.—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(4) *UNITED STATES*.—The term “United States” has the meaning provided in section 103(12) of the *Trafficking Victims Protection Act of 2000* (22 U.S.C. 7102(12)).

SEC. 1702. CONTRACTING REQUIREMENTS.

Section 106(g) of the *Trafficking Victims Protection Act of 2000* (22 U.S.C. 7104(g)) is amended by striking “without penalty” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 1704(c) of the *National Defense Authorization Act for Fiscal Year 2013*, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons;

“(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee’s identity or immigration documents.

“(II) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless—

“(aa) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”

SEC. 1703. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) *LIMITATION.*—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) *DISCLOSURE.*—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) *GUIDANCE.*—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

SEC. 1704. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) *REFERRAL AND INVESTIGATION.*—

(1) *REFERRAL.*—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 1703.

(2) *INVESTIGATION.*—An Inspector General who receives a referral under paragraph (1) or otherwise receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, shall promptly review the referral or information and determine whether to initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall document the rationale for the decision not to investigate.

(3) *CRIMINAL INVESTIGATION.*—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. The Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of an indictment, information, or criminal complaint against the

recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor. If the criminal investigation results in a decision not to prosecute, the Inspector General shall promptly determine whether to resume any investigation that was suspended pursuant to this paragraph. In the event that an Inspector General does not resume an investigation, the Inspector General shall document the rationale for the decision.

(b) *REPORT.*—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation to the head of the executive agency that awarded the contract, grant, or cooperative agreement. The report shall include the Inspector General's conclusions regarding whether or not any allegations that the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, are substantiated.

(c) *REMEDIAL ACTIONS.*—

(1) *IN GENERAL.*—Upon receipt of an Inspector General's report substantiating an allegation that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, or notification of an indictment, information, or criminal complaint for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) *SAVINGS CLAUSE.*—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) *MITIGATING FACTOR.*—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 1703, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) *AGGRAVATING FACTOR.*—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) *INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.*—

(1) *IN GENERAL.*—The head of an executive agency shall ensure that any substantiated allegation in the report under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS) and that the contractor has an opportunity to respond to any such report in accordance with applicable statutes and regulations.

(2) *AMENDMENT TO TITLE 41, UNITED STATES CODE.*—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

“(ii) a substantiated allegation, pursuant to section 1704(b) of the National Defense Authorization Act for Fiscal Year 2013, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”.

SEC. 1705. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

SEC. 1706. EXPANSION OF PENALTIES FOR FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.

(a) *IN GENERAL.*—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so,”; and

(2) by adding at the end the following new subsection:

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

SEC. 1707. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”;

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

SEC. 1708. RULES OF CONSTRUCTION; EFFECTIVE DATE.

(a) LIABILITY.—Excluding section 1706, nothing in this title shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this title shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this title.

(c) IMPLEMENTATION AND EFFECTIVE DATES.—

(1) CONTRACTING REQUIREMENTS.—

(A) Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title.

(B) The requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title, shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after the date of the enactment of this Act, and to task and delivery orders awarded on or after such date pursuant to contracts entered before, on, or after such date.

(2) INVESTIGATIVE AND PROCEDURAL REQUIREMENTS.—Federal agencies shall implement the requirements of sections 1704, 1705, and 1707 (other than subsection (c) of section 1704) not later than 90 days after the date of the enactment of this Act.

(3) CRIMINAL LAW CHANGES.—The amendments made by section 1706 shall take effect upon the date of enactment and shall apply to conduct taking place on or after such date.

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

- Sec. 1801. Short title.
- Sec. 1802. Amendments to definitions.
- Sec. 1803. Assistance to firefighters grants.
- Sec. 1804. Staffing for adequate fire and emergency response.
- Sec. 1805. Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1806. Report on amendments to Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1807. Studies and reports on the state of fire services.

Subtitle B—Reauthorization of United States Fire Administration

- Sec. 1811. Short title.
- Sec. 1812. Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency.
- Sec. 1813. Modification of authority of Administrator to educate public about fire and fire prevention.
- Sec. 1814. Authorization of appropriations.
- Sec. 1815. Removal of limitation.

Subtitle A—Fire Grants Reauthorization

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “Agency;” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—