

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on July 27, 2022, Volume 87, Number 143, pages 45106-45107, and provided a sixty-day period for public comment. **The ACF Office of Trafficking in Persons (OTIP) did not receive comments.**

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published another notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on October 21, 2022, Volume 87, Number 203, pages 64053-64054, and provided a thirty-day period for public comment. **OTIP received one comment.**

Response to Public Comment

OTIP received a public comment from a nonprofit organization that represents service providers and advocates working directly with individuals who have experienced trafficking in persons. The organization articulated concerns that the proposed collection “goes far beyond what the program requires, is irrelevant to the primary objectives of the Trafficking Victim Assistance Program (TVAP), and, in some cases, may cause re-traumatization of survivors.” Further, that “service providers should not be required to ask detailed questions related to a survivor’s trauma history and details of their trafficking experience at any point, especially not to ensure program enrollment, as the details of the exploitation are not relevant. Requiring a survivor to discuss their trauma history in order to receive services is re-traumatizing and could lead to the individual withdrawing completely from needed services, increasing their risk of re-exploitation.”

OTIP acknowledges these concerns and affirms that the information requested through this collection is obtained through person-centered, trauma-informed practices. TVAP grant recipients are required to demonstrate internal capacity to provide comprehensive, culturally responsive, and linguistically appropriate case management to domestic clients of different racial, ethnic, cultural, gender identity, sexual orientation, ability, and religious backgrounds who have experienced human trafficking as a condition of award. The trauma-informed care model assumes that clients and staff have experienced trauma, and seeks to minimize harm and prevent re-traumatization. This may mean engaging in screening activities over multiple points-in-time or omitting certain questions from screening and intake. This model includes organizational change that promotes resilience in clients and staff; engages individuals in care; and incorporates knowledge about trauma in policies, procedures, practices, and settings. For more information on the development of trauma-informed services and a framework for becoming a trauma-informed organization, system, or service sector, please visit the [Substance Abuse and Mental Health Services Administration’s Concept of Trauma and Guidance for a Trauma-informed Approach](#).

The proposed information collection **does not** require individuals with lived experienced to provide detailed histories of their exploitation. Rather, the information requested pertaining specifically to clients’ trafficking experience is required for OTIP to be responsive to its statutory

reporting requirements, and to inform the evidence-base for providers. There are four total indicators related to clients' trafficking experience: Type of Trafficking, Exploitation Industry, Commercial Sex Venue (if applicable), and Location of Trafficking (State or Territory).

- The "Type of Trafficking" indicator is required to establish eligibility for the program and the information obtained enables OTIP to fulfill a provision in the TVPA of 2000, as amended, that requires the Attorney General to submit annually "a report on Federal agencies that are implementing any provision of this chapter" (22 USC 7103(d)) and to prepare a required annual report to Congress on U.S. Government activities to combat trafficking that is prepared by the U.S. Department of Justice. Congress requires HHS and other appropriate Federal agencies to report, at a minimum, information on the number of persons who received benefits or other services under 22 USC 7105(b)(f), in connection with programs or activities funded or administered by HHS."
- The "Exploitation Industry" and "Commercial Sex Venue" information informs both immediate service needs and considerations, and the larger evidence-base on trafficking victimization and its impacts. Individuals who have experienced labor trafficking may have different service needs than individuals who have experienced sex trafficking. Even among individuals who have all experienced the same type of trafficking, service needs vary depending on the nature of the exploitation and the contexts in which it occurred, as occupational health and safety hazards vary by industry. For example, an individual who experienced trafficking in agricultural settings may have experienced different physical impacts and by extension, have different healthcare needs, than an individual who experienced trafficking within the fishing industry. OTIP affirms that the information requested is only that information which is necessary to monitor performance and ensure that clients receive appropriate services. Finally, though included as a performance indicator, Exploitation Industry/Venue details are not required pieces of information. While this information may be disclosed by the client, the grant recipient should not require the client to disclose information pertaining to Exploitation Industry/Venue to receive services through the program. As per the reporting reference guide, TVAP grant recipients are able to mark unknown when the information is not provided or known.
- The "Location of Trafficking" information is necessary to ensure the client is connected with service providers who are geographically proximate and best able to respond to the client's needs and overall safety concerns.

The commenter also provided "concern[s related to] the lack of an estimate of total reporting burden hours for grant recipients in the revised performance indicators." OTIP assumes this was an oversight on the commenter's part, as this information was provided upon request. Burden estimates were informed and calculated through consultation with existing grant recipients, through Anti-Trafficking Information Management System (ATIMS) system development efforts, and an environmental scan of human trafficking screening forms and protocols, to estimate the time needed for grant recipients to engage in client-centered and trauma-informed approaches as they screen victims and obtain and document pertinent grant administration information. As it specifically relates to the client-level indicators, different screening forms and protocols may be leveraged by grant recipients depending on the target population to be screened, the environment where the screening will take place, and the professional background of the clinician or case manager conducting the screening, among other factors. Burden estimates

were calculated based on the average amount of time required to populate all fields on the various forms after several indicators were removed (see section 15 of the Supporting Statement A (SSA)), however, clients served have the right not to disclose information and this information is not required to receive benefits and services under this grant program. These factors together mean that the estimates for grant recipients to report client-specific indicators, in particular, may be slightly higher or slightly lower, depending on what information clients feel comfortable sharing upon intake. This also means that OTIP has already accounted for the concerns articulated by the commenter. Burden estimates for the other grant administration indicators were reduced according to the time taken to gather and enter information within the new ATIMS environment based on consultation and user testing with existing grant recipients (see section 3 of the SSA).

Overview of Revisions

OTIP engaged its existing grant recipient providing services to foreign national victims of trafficking in persons to discuss their views on feasibility and relevance of the requested data, frequency of collection, and the reporting format to gather feedback for the purposes of ATIMS development, and to identify ways to reduce the overall reporting burden. The grant recipient highlighted the importance of requesting only that information, which is necessary for OTIP to oversee case management, ensure quality service provision, and monitor recipients' fulfillment of objectives under their awards, given large caseloads and capacity constraints. The grant recipient also highlighted the level of rapport clinicians and case managers need to obtain certain pieces of information from clients (as related to their trafficking experiences, trauma histories, and varying service needs). To the maximum extent practicable, OTIP incorporated this feedback into the collection by removing data elements that did not directly inform OTIP's monitoring activities, by collapsing certain data elements for simplicity, and by embedding grant recipients' feedback pertaining to reporting system mock-ups into the user interface/experience (Ui/Ux) within the system.

OTIP also leveraged best practices in service delivery as identified by the [National Human Trafficking Training and Technical Assistance Center \(NHTTAC\)](#) and NHTTAC's [Human Trafficking Leadership Academy \(HTLA\)](#), as well as existing research examining the trafficking experiences of particular demographic groups, to update certain data elements and field values to bring those elements and values into alignment with best practice. For example, OTIP removed the 'Screening Tools Used' outreach indicator, recognizing that practitioners may use a series of screeners, or conduct screenings over multiple points of contact with clients, to obtain information needed to coordinate case response and service delivery, and this information was not necessary for OTIP's monitoring purposes, which is directly responsive to the commenter's concerns (see section 15 of the SSA for additional information).

Per 45 CFR § 75.301, the [HHS awarding agency](#) must require award recipients [recipient](#) to relate financial data to performance accomplishments of the Federal award and to provide cost information to demonstrate cost effective practices. Further, the HHS awarding agency must measure recipient performance in such a way that will help the HHS awarding agency and other non-Federal entities to improve program outcomes, share lessons learned, and spread the adoption of promising practices and facilitate identification of promising practices among recipients. OTIP has structured this data collection to only collect that information which

is necessary to monitor recipients' performance, and to inform the evidence-base upon which federal victim assistance efforts are conducted.

A response to each of the specific updates proposed by the commenter, form-by-form, follows:

Victim Assistance – Client Characteristics and Program Entry		
Data Element	Public Comment/Update Proposed	OTIP Response/Justification
Location of Services	The services are being received at the provider's location, which is information gathered from the provider. Therefore, this question should be deleted.	The TVAP program relies on a network of subrecipients to provide services within all 50 states and certain U.S. territories. Clients may receive services in-person or remotely, by more than one provider. Further, clients may move or relocate over the course of service provision. This data element informs insights related to service coverage area gaps (or duplication of federal resources) and the continuum of care available to clients in certain geographic locations. Because this information is necessary for performance monitoring, OTIP suggests retaining this data element.
Exploitation Industry, Commercial Sex Venue	This information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. Additionally, details about the survivor's description of the trafficking experience should be discussed only with an attorney or law enforcement to ensure that information is protected in case of a law enforcement investigation. Records also need to reflect the distinction between information that is "not reported" and when a client chooses not to share unnecessary details about their trafficking experience and trauma. Therefore, these questions should be deleted or clearly marked as Optional, and the option Client Chooses Not to Answer should be added to each list.	See explanation above. The proposed information collection does not require individuals with lived experienced to provide detailed histories of their exploitation. Rather, the information requested pertaining specifically to clients' trafficking experience is required for OTIP to be responsive to its statutory reporting requirements, and to inform the evidence-base for providers. As per the reporting reference guide, these data elements are optional, and the grant recipient should not require the client to disclose information pertaining to Exploitation Industry/Venue to receive services through the program. As per the reporting reference guide, the grant recipients are able to mark unknown when the information is not provided or known. Regarding disclosure policies and privacy concerns, TVAP prime recipients, full-time Case Managers (staffed by the prime), Regional Coordinators (staffed by the prime) and, if applicable, its additional subrecipient(s) (i.e., per capita service providers) to inform clients of the limits to confidentiality prior to disclosures (e.g., mandated reporting requirements, etc.). TVAP prime recipients must ensure compliance with 45 CFR § 75.303(e) to take reasonable measures to safeguard a client's protected personally identifiable information. The protocol must also

		include a plan for how protected personally identifiable information and other information that is considered sensitive, consistent with applicable federal, state, local and tribal laws regarding privacy and obligations of confidentiality, will be collected and safeguarded (see section 10 of the SSA). Because this information is necessary for OTIP to fulfill its statutory reporting requirements and for performance monitoring, OTIP suggests retaining this data element. Within the ATIMS reporting database, clear visual cues and system logic will indicate what data elements are required as opposed to optional.
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Victim Assistance – Client Case Closure		
Data Element	Public Comment/Update Proposed	OTIP Response/Justification
Living Situation upon Case Closing	The survivor’s living situation at the time of case closure is neither necessary nor relevant to maintaining accurate records of the program. It is also not appropriate for OTIP to know the living situation of individual survivors at any point during their service provision, and certainly inappropriate for survivors who are no longer receiving services. Therefore, we recommend removing these questions (Living Situation upon Case Closing, Did the client receive a referral for continued case management services?)	Survivors of human trafficking routinely identify housing and shelter among their top needs. Research suggests evictions can lead to increased unemployment; therefore, accessing and maintaining housing is critical to survivors’ economic mobility and self-sufficiency. Some survivors are able to access and afford housing in the community on their own; others may require short-term assistance. See OTIP’s Housing and Economic Mobility Toolkit for additional information. To assess the responsiveness of providers to housing needs, and monitor client outcomes from service provision under this program, OTIP suggests retaining this data element.
Did the client receive a referral for continued case management services?		OTIP seeks information about whether a client received referrals for continued case management services, to monitor the grant recipient’s performance/ability to provide responsive services, and to ensure that clients are connected with a network of providers in the event additional resources are needed after case closure from TVAP. OTIP suggests retaining this data element.

Subrecipient Enrollment		
Data Element	Public Comment/Update Proposed	OTIP Response/Justification
Type of Subrecipient Organization	This list includes a mixed list of corporate structures (Government, Private Sector, Faith Based, School,	This list was developed in collaboration with existing grant recipients under the TVAP award. The data element is multi-select with

	Service Provider, Child Welfare, etc.) and program areas (Advocacy, Education, Health Care, Law Enforcement, Housing, Legal, etc.). It is unclear which element ACF the grantee should prioritize. For example, should a law firm be represented as Private Sector, Legal, Service Provider, or Advocacy? We recommend that this list be revised to focus on one element.	accompanying reporting guidance. The specific reporting options include: Advocacy, Behavioral Health, Child Welfare, Education, Employment, Faith Based, Government, Health Care, Housing, Law Enforcement, Legal, Other Criminal Justice, Private Sector, Public Health, School (K-12), Service Provider, and Other (specify). With regards to the specific scenario raised and absent additional information about the hypothetical “Law Firm” and the nature of the services it would provide as a subrecipient under TVAP, it is likely that “Legal” and “Advocacy” are most appropriate. OTIP Project Officers are available to provide consultation to recipients in the event that any organization cannot be meaningfully described per the provided field values. Additionally, an Other (specify) option is provided. This information provides insights to OTIP related to the kinds of financial and programmatic partnerships necessary to fulfill objectives under this award program and is used for performance monitoring. OTIP suggests retaining this data element.
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Victim Assistance – Client Service Use and Delivery		
Data Element	Public Comment/Update Proposed	OTIP Response/Justification
Services Received Benefits Received	The purpose of the TVAP program is to help survivors access all services and benefits for which they are eligible. Therefore, instead of requiring the service provider to report on which benefits the client was connected to, the question should be replaced with Yes/No questions, such as: “Was the client connected to any of the following public benefits during the reporting period?” with a list of benefits as reference. The service provider should only be required to report yes or no.	The level of information proposed by the grant recipient is not sufficient for OTIP to monitor grant recipient performance or for OTIP to be responsive to its statutory reporting requirements, which require OTIP to submit annually “a report on Federal agencies that are implementing any provision of this chapter” (22 USC 7103(d)) and to prepare a required annual report to Congress on U.S. Government activities to combat trafficking that is prepared by the U.S. Department of Justice. Congress requires HHS and other appropriate Federal agencies to report, at a minimum, information on the number of persons who received benefits or other services under 22 USC 7105(b)(f), in connection with programs or activities funded or administered by HHS.” OTIP suggests retaining these data elements to assess whether clients receive the services and benefits they need, ensure the compliance of grant recipients in providing comprehensive case management, and to inform program evaluation/policy development pertaining to the service needs of trafficking victims.

