

## FAQs For Service Providers Regarding Victim Determination Documentation for Trafficking Survivors Seeking Credit Repair Under the **Debt Bondage Repair Act**



**Q/ Our organization already screens and supports survivors of human trafficking. Does that mean we can provide Victim Determination Documentation (“VDD”) for survivors who are seeking credit repair under the Debt Bondage Repair Act (“DBRA”)?**

A/ No. The Rule governing this process requires that your organization be *specifically authorized* by a government entity to furnish VDDs for survivors seeking credit repair under the DBRA.

**Q/ How can our service provider organization become authorized to provide VDD?**

A/ Your organization may seek authorization from any federal, state, tribal or local governmental entity. The Rule refers to “Federal, State, or Tribal” entities, but the Section-by-Section Analysis preceding the Rule explains that a “State governmental entity” includes governmental agencies at the local level such as local law enforcement. Examples of agencies that have authorized service providers include state attorney general offices, sheriff’s departments, and prosecutor offices.

**Q/ What does the Rule require of the government entity authorizing our organization?**

A/ Nothing. The Section-by-Section Analysis explicitly states that the Rule does NOT “prescribe how a Federal, State, or Tribal governmental entity may authorize non-governmental organizations to make victim determinations.” The analysis further states that “each governmental entity may establish its own criteria for making such authorizations.” It is up to the authorizing entity to establish their process and any requirements, which could include factors such as whether the service provider organization is subject to the terms and conditions of a government program or complies with certain standards.

**Q/ Does an organization need to be a recipient of government funding to be authorized?**

A/ No. The Rule “does not limit Federal, State, and Tribal governmental entities to authorizing only those non-governmental entities and human trafficking task forces that receive funding from these governmental entities.”

**Q/ What should we tell governmental entities to encourage VDD authorization?**

A/ Governmental entities should exercise this authorization for two reasons: (1) to avoid the government agency having to make victim determinations; and (2) because service providers may be better positioned to screen survivors. The Section-by-Section Analysis states that “governmental entities often rely on the expertise these non-governmental organizations—including multi-disciplinary human trafficking forces—possess in making victim determinations.” The analysis reasons “that trained professionals providing services to victims of trafficking [...] are often best suited to identify and make determinations that a person has been or is being trafficked.”

For further information, please see the Rule titled “Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking (Regulation V).”