

106TH CONGRESS
2D SESSION

H. R. 3244

AN ACT

To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

106TH CONGRESS
2^D SESSION

H. R. 3244

AN ACT

To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Trafficking Victims Protection Act of 2000”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes and findings.
- Sec. 3. Definitions.
- Sec. 4. Annual Country Reports on Human Rights Practices.
- Sec. 5. Interagency task force to monitor and combat trafficking.
- Sec. 6. Prevention of trafficking.
- Sec. 7. Protection and assistance for victims of trafficking.
- Sec. 8. Minimum standards for the elimination of trafficking.
- Sec. 9. Assistance to foreign countries to meet minimum standards.
- Sec. 10. Actions against governments failing to meet minimum standards.
- Sec. 11. Actions against significant traffickers.
- Sec. 12. Strengthening protection and punishment of traffickers.
- Sec. 13. Authorization of appropriations.

8 **SEC. 2. PURPOSES AND FINDINGS.**

9 (a) PURPOSES.—The purposes of this Act are to com-
 10 bat trafficking in persons, a contemporary manifestation
 11 of slavery whose victims are predominantly women and
 12 children, to ensure just and effective punishment of traf-
 13 fickers, and to protect their victims.

14 (b) FINDINGS.—The Congress finds that:

15 (1) Millions of people every year, primarily
 16 women or children, are trafficked within or across
 17 international borders. Approximately 50,000 women
 18 and children are trafficked into the United States
 19 each year.

1 (2) Many of these persons, of whom the over-
2 whelming majority are women and children, are traf-
3 ficked into the international sex trade, often by
4 means of force, fraud, or coercion. The sex industry
5 has rapidly expanded over the past several decades.
6 It involves sexual exploitation of persons, predomi-
7 nantly women and girls, within activities related to
8 prostitution, pornography, sex tourism, and other
9 commercial sexual services. The rapid expansion of
10 the sex industry and the low status of women in
11 many parts of the world have contributed to a bur-
12 geoning of the trafficking industry, of which sex
13 trafficking by force, fraud, and coercion is a major
14 component.

15 (3) Trafficking in persons is not limited to sex
16 trafficking, but often involves forced labor and other
17 violations of internationally recognized human
18 rights. The worldwide trafficking of persons is a
19 growing transnational crime, migration, economics,
20 labor, public health, and human rights problem that
21 is significant on nearly every continent.

22 (4) Traffickers primarily target women and
23 girls, who are disproportionately affected by poverty,
24 lack of access to education, chronic unemployment,
25 discrimination, and lack of viable economic opportu-

1 nities in countries of origin. Traffickers lure women
2 and girls into their networks through false promises
3 of good working conditions at relatively high pay as
4 nannies, maids, dancers, factory workers, restaurant
5 workers, sales clerks, or models. Traffickers also buy
6 girls from poor families and sell them into prostitu-
7 tion or into various types of forced or bonded labor.

8 (5) Traffickers often facilitate victims' move-
9 ment from their home communities to unfamiliar
10 destinations, away from family and friends, religious
11 institutions, and other sources of protection and sup-
12 port, making the victims more vulnerable.

13 (6) Victims are often forced to engage in sex
14 acts or to perform labor or other services through
15 physical violence, including rape and other forms of
16 sexual abuse, torture, starvation, and imprisonment,
17 through threats of violence, and through other forms
18 of psychological abuse and coercion.

19 (7) Trafficking is perpetrated increasingly by
20 organized and sophisticated criminal enterprises.
21 Trafficking in persons is the fastest growing source
22 of profits for organized criminal enterprises world-
23 wide. Profits from the trafficking industry con-
24 tribute to the expansion of organized criminal activ-
25 ity in the United States and around the world. Traf-

1 ficking often is aided by official corruption in coun-
2 tries of origin, transit, and destination, thereby
3 threatening the rule of law.

4 (8) Traffickers often make representations to
5 their victims that physical harm may occur to them
6 or to others should the victim escape or attempt to
7 escape. Such representations can have the same co-
8 ercive effects on victims as specific threats to inflict
9 such harm.

10 (9) Sex trafficking, when it involves the invol-
11 untary participation of another person in sex acts by
12 means of fraud, force, or coercion, includes all the
13 elements of the crime of forcible rape, which is de-
14 fined by all legal systems as among the most serious
15 of all crimes.

16 (10) Sex trafficking also involves frequent and
17 serious violations of other laws, including labor and
18 immigration codes and laws against kidnapping,
19 slavery, false imprisonment, assault, battery, pan-
20 dering, fraud, and extortion.

21 (11) Women and children trafficked into the
22 sex industry are exposed to deadly diseases, includ-
23 ing HIV and AIDS. Trafficking victims are some-
24 times worked or physically brutalized to death.

1 (12) Trafficking in persons substantially affects
2 interstate and foreign commerce. The United States
3 must take action to eradicate the substantial bur-
4 dens on commerce that result from trafficking in
5 persons and to prevent the channels of commerce
6 from being used for immoral and injurious purposes.

7 (13) Trafficking of persons in all its forms is
8 an evil that calls for concerted and vigorous action
9 by countries of origin, transit countries, receiving
10 countries, and international organizations.

11 (14) Existing legislation and law enforcement in
12 the United States and in other nations around the
13 world have proved inadequate to deter trafficking
14 and to bring traffickers to justice, principally be-
15 cause such legislation and enforcement do not reflect
16 the gravity of the offenses involved. No comprehen-
17 sive law exists in the United States that penalizes
18 the range of offenses involved in the trafficking
19 scheme. Instead, even the most brutal instances of
20 forcible sex trafficking are often punished under
21 laws that also apply to far less serious offenses such
22 as consensual sexual activity and illegal immigration,
23 so that traffickers typically escape severe punish-
24 ment.

1 (15) In the United States, the seriousness of
2 the crime of trafficking in persons is not reflected in
3 current sentencing guidelines for component crimes
4 of the trafficking scheme, which results in weak pen-
5 alties for convicted traffickers. Adequate services
6 and facilities do not exist to meet the health care,
7 housing, education, and legal assistance needs for
8 the safe reintegration of domestic trafficking victims.

9 (16) In some countries, enforcement against
10 traffickers is also hindered by official indifference,
11 by corruption, and sometimes even by active official
12 participation in trafficking.

13 (17) Because existing laws and law enforcement
14 procedures often fail to make clear distinctions be-
15 tween victims of trafficking and persons who have
16 knowingly and willfully violated laws, and because
17 victims often do not have legal immigration status in
18 the countries into which they are trafficked, the vic-
19 tims are often punished more harshly than the traf-
20 fickers themselves.

21 (18) Because victims of trafficking are fre-
22 quently unfamiliar with the laws, cultures, and lan-
23 guages of the countries into which they have been
24 trafficked, and because they are often subjected to
25 coercion and intimidation including physical deten-

1 tion, debt bondage, fear of retribution, and fear of
2 forceful removal to countries in which they will face
3 retribution or other hardship, these victims often
4 find it difficult or impossible to report the crimes
5 committed against them or to assist in the investiga-
6 tion and prosecution of such crimes.

7 (19) The United States and the international
8 community are in agreement that trafficking in per-
9 sons often involves grave violations of human rights
10 and is a matter of pressing international concern.
11 The Universal Declaration of Human Rights; the
12 Supplementary Convention on the Abolition of Slavery,
13 the Slave Trade, and Institutions and Practices
14 Similar to Slavery; the International Covenant on
15 Civil and Political Rights; the Convention on the
16 Elimination of All Forms of Discrimination Against
17 Women; the Convention Against Torture and Other
18 Cruel, Inhuman or Degrading Treatment or Punish-
19 ment, and other relevant instruments condemn slavery
20 and involuntary servitude, violence against
21 women, and other components of the trafficking
22 scheme.

23 (20) One of the founding documents of the
24 United States, the Declaration of Independence, rec-
25 ognizes the inherent dignity and worth of all people.

1 It states that all men are created equal and that
2 they are endowed by their Creator with certain
3 unalienable rights. The right to be free from slavery
4 and involuntary servitude is among those unalienable
5 rights. Acknowledging this fact, the United States
6 outlawed slavery and involuntary servitude in 1865,
7 recognizing them as evil institutions that must be
8 abolished. Current practices of sexual slavery and
9 trafficking of women and children are similarly ab-
10 horrent to the principles upon which our country
11 was founded.

12 (21) The Universal Declaration of Human
13 Rights recognizes the right to be free from slavery
14 and involuntary servitude, arbitrary detention, de-
15 grading or inhuman treatment, and arbitrary inter-
16 ference with privacy or the family, as well as the
17 right to protection by law against these abuses.

18 (22) The United Nations General Assembly has
19 passed three resolutions during the last 3 years (50/
20 167, 51/66, and 52/98) recognizing that the inter-
21 national traffic in women and girls, particularly for
22 purposes of forced prostitution, is a matter of press-
23 ing international concern involving numerous viola-
24 tions of fundamental human rights. The resolutions
25 call upon governments of receiving countries as well

1 as countries of origin to strengthen their laws
2 against such practices, to intensify their efforts to
3 enforce such laws, and to ensure the full protection,
4 treatment, and rehabilitation of women and children
5 who are victims of trafficking.

6 (23) The Final Report of the World Congress
7 against Sexual Exploitation of Children, held in
8 Stockholm, Sweden, in August 1996, recognized that
9 international sex trafficking is a principal cause of
10 increased exploitation and degradation of children.

11 (24) The Fourth World Conference on Women
12 (Beijing Conference) called on all governments to
13 take measures, including legislative measures, to
14 provide better protection of the rights of women and
15 girls who are victims of trafficking, to address the
16 root factors that put women and girls at risk to traf-
17 fickers, and to take measures to dismantle the na-
18 tional, regional, and international networks on traf-
19 ficking.

20 (25) In the 1991 Moscow Document of the Or-
21 ganization for Security and Co-operation in Europe,
22 participating states, including the United States,
23 agreed to seek to eliminate all forms of violence
24 against women, and all forms of traffic in women
25 and exploitation of prostitution of women including

1 by ensuring adequate legal prohibitions against such
2 acts and other appropriate measures.

3 (26) Numerous treaties to which the United
4 States is a party address government obligations to
5 combat trafficking, including such treaties as the
6 1956 Supplementary Convention on the Abolition of
7 Slavery, the Slave Trade and Institutions and Prac-
8 tices Similar to Slavery, which calls for the complete
9 abolition of debt bondage and servile forms of mar-
10 riage, and the 1957 Abolition of Forced Labor Con-
11 vention, which undertakes to suppress and requires
12 signatories not to make use of any forced or compul-
13 sory labor.

14 (27) Trafficking in persons is a transnational
15 crime with national implications. In order to deter
16 international trafficking and to bring its perpetra-
17 tors to justice, nations including the United States
18 must recognize that trafficking is a serious offense
19 and must act on this recognition by prescribing ap-
20 propriate punishment, by giving the highest priority
21 to investigation and prosecution of trafficking of-
22 fenses, and by protecting rather than punishing the
23 victims of such offenses. The United States must
24 work bilaterally and multilaterally to abolish the
25 trafficking industry and take steps to promote and

1 facilitate cooperation among countries linked to-
2 gether by international trafficking routes. The
3 United States must also urge the international com-
4 munity to take strong action in multilateral fora to
5 engage recalcitrant countries in serious and sus-
6 tained efforts to eliminate trafficking and protect
7 trafficking victims.

8 **SEC. 3. DEFINITIONS.**

9 For the purposes of this Act:

10 (1) “Sex trafficking” means the purchase, sale,
11 securing, recruitment, harboring, transportation,
12 transfer or receipt of a person for the purpose of a
13 commercial sex act.

14 (2) “Severe forms of trafficking in persons”
15 means—

16 (A) sex trafficking in which either a com-
17 mercial sex act or any act or event contributing
18 to such act is effected or induced by force, coer-
19 cion, fraud, or deception, or in which the person
20 induced to perform such act has not attained
21 the age of 18 years; and

22 (B) the purchase, sale, securing, recruit-
23 ment, harboring, transportation, transfer or re-
24 ceipt of a person for the purpose of subjection
25 to involuntary servitude, peonage, or slavery or

1 slavery-like practices which is effected by force,
2 coercion, fraud, or deception.

3 (3) “Slavery-like practices” means inducement
4 of a person to perform labor or any other service or
5 act by force, by coercion, or by any scheme, plan, or
6 pattern to cause the person to believe that failure to
7 perform the work will result in the infliction of seri-
8 ous harm, debt bondage in which labor or services
9 are pledged for debt on terms calculated never to
10 allow full payment of the debt or otherwise amount-
11 ing to indentured servitude for life or for an indefi-
12 nite period, or subjection of the person to conditions
13 so harsh or degrading as to provide a clear indica-
14 tion that the person has been subjected to them by
15 force, fraud, or coercion.

16 (4) “Coercion” means the use of force, violence,
17 physical restraint, or acts or circumstances not nec-
18 essarily including physical force but calculated to
19 have the same effect, such as the credible threat of
20 force or of the infliction of serious harm.

21 (5) “Act of a severe form of trafficking in per-
22 sons” means any act at any point in the process of
23 a severe form of trafficking in persons, including any
24 act of recruitment, harboring, transport, transfer,
25 purchase, sale or receipt of a victim of such traf-

1 ficking, or any act of operation, management, or
2 ownership of an enterprise in which a victim of such
3 trafficking engages in a commercial sex act, is sub-
4 jected to slavery or a slavery-like practice, or is ex-
5 pected or induced to engage in such acts or be sub-
6 jected to such condition or practice, or sharing in
7 the profits of the process of a severe form of traf-
8 ficking in persons or any part thereof.

9 (6) “Victim of sex trafficking” and “victim of
10 a severe form of trafficking in persons” mean a per-
11 son subjected to an act or practice described in
12 paragraphs (1) and (2) respectively.

13 (7) “Commercial sex act” means a sex act on
14 account of which anything of value is given to or re-
15 ceived by any person.

16 (8) “Minimum standards for the elimination of
17 trafficking” means the standards set forth in section
18 8.

19 (9) “Appropriate congressional committees”
20 means the Committee on Foreign Relations of the
21 United States Senate and the Committee on Inter-
22 national Relations of the United States House of
23 Representatives.

24 (10) “Nonhumanitarian foreign assistance”
25 means—

1 (A) any assistance under the Foreign As-
2 sistance Act of 1961 (including programs under
3 title IV of chapter 2 of part I of that Act, relat-
4 ing to the Overseas Private Investment Cor-
5 poration), other than—

6 (i) assistance under chapter 8 of part
7 I of that Act;

8 (ii) any other narcotics-related assist-
9 ance under part I of that Act or under
10 chapter 4 or 5 of part II of that Act, but
11 any such assistance provided under this
12 clause shall be subject to the prior notifica-
13 tion procedures applicable to
14 reprogrammings pursuant to section 634A
15 of that Act;

16 (iii) disaster relief assistance, includ-
17 ing any assistance under chapter 9 of part
18 I of that Act;

19 (iv) antiterrorism assistance under
20 chapter 8 of part II of that Act;

21 (v) assistance which involves the pro-
22 vision of food (including monetization of
23 food) or medicine;

24 (vi) assistance for refugees; and

1 (vii) humanitarian and other develop-
2 ment assistance in support of programs of
3 nongovernmental organizations under
4 chapters 1 and 10 of that Act;

5 (B) sales, or financing on any terms, under
6 the Arms Export Control Act, other than sales
7 or financing provided for narcotics-related pur-
8 poses following notification in accordance with
9 the prior notification procedures applicable to
10 reprogrammings pursuant to section 634A of
11 the Foreign Assistance Act of 1961; and

12 (C) financing under the Export-Import
13 Bank Act of 1945.

14 **SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
15 **PRACTICES.**

16 The Secretary of State, with the assistance of the As-
17 sistant Secretary of Democracy, Human Rights and
18 Labor, shall, as part of the annual Country Reports on
19 Human Rights Practices, include information to address
20 the status of trafficking in persons, including—

21 (1) a list of foreign countries that are countries
22 of origin, transit, or destination for a significant
23 number of victims of severe forms of trafficking;

24 (2) a description of the nature and extent of se-
25 vere forms of trafficking in persons in each country;

1 (3) an assessment of the efforts by the govern-
2 ments described in paragraph (1) to combat severe
3 forms of trafficking. Such an assessment shall
4 address—

5 (A) whether any governmental authorities
6 tolerate or are involved in such trafficking;

7 (B) which governmental authorities are in-
8 volved in activities to combat such trafficking;

9 (C) what steps the government has taken
10 against its officials who participate in, facili-
11 tate, or condone such trafficking;

12 (D) what steps the government has taken
13 to investigate and prosecute officials who par-
14 ticipate in or facilitate such trafficking;

15 (E) what steps the government has taken
16 to prohibit other individuals from participating
17 in such trafficking, including the investigation,
18 prosecution, and conviction of individuals in-
19 volved in severe forms of trafficking in persons,
20 the criminal and civil penalties for such traf-
21 ficking, and the efficacy of those penalties in
22 eliminating or reducing such trafficking;

23 (F) what steps the government has taken
24 to assist victims of such trafficking, including
25 efforts to prevent victims from being further

1 victimized by traffickers, government officials,
2 or others, grants of stays of deportation, and
3 provision of humanitarian relief, including pro-
4 vision of mental and physical health care and
5 shelter;

6 (G) whether the government—

7 (i) is cooperating with governments of
8 other countries to extradite traffickers
9 when requested;

10 (ii) is assisting in international inves-
11 tigation of transnational trafficking net-
12 works and in other co-operative efforts to
13 combat trafficking;

14 (iii) refrains from prosecuting victims
15 of severe forms of trafficking and from
16 other discriminatory treatment of such vic-
17 tims due to such victims having been traf-
18 ficked, or due to their having left or en-
19 tered the country illegally; and

20 (iv) recognizes the rights of victims
21 and ensures their access to justice.

22 (4) Information described in paragraph (2) and,
23 where appropriate, in paragraph (3) shall be in-
24 cluded in the annual Country Reports on Human
25 Rights Practices on a country-by-country basis.

1 the Secretary of State in carrying out the purposes of this
2 Act and may have additional responsibilities as determined
3 by the Secretary. The Director shall consult with domestic,
4 international nongovernmental and intergovernmental or-
5 ganizations, and with trafficking victims or other affected
6 persons. The Director shall have the authority to take evi-
7 dence in public hearings or by other means. The Office
8 is authorized to retain staff members from agencies rep-
9 resented on the Task Force.

10 (e) ACTIVITIES OF THE TASK FORCE.—In consulta-
11 tion with nongovernmental organizations, the Task Force
12 shall carry out the following activities:

13 (1) Coordinate the implementation of this Act.

14 (2) Measure and evaluate progress of the
15 United States and countries around the world in the
16 areas of trafficking prevention, protection and as-
17 sistance to victims of trafficking, and prosecution
18 and enforcement against traffickers, including the
19 role of public corruption in facilitating trafficking.

20 (3) Expand interagency procedures to collect
21 and organize data, including significant research and
22 resource information on domestic and international
23 trafficking. Any data collection procedures estab-
24 lished under this subsection shall respect the con-
25 fidentiality of victims of trafficking.

1 (4) Engage in efforts to facilitate cooperation
2 among countries of origin, transit, and destination.
3 Such efforts shall aim to strengthen local and re-
4 gional capacities to prevent trafficking, prosecute
5 traffickers and assist trafficking victims, and shall
6 include initiatives to enhance cooperative efforts be-
7 tween destination countries and countries of origin
8 and assist in the appropriate reintegration of state-
9 less victims of trafficking.

10 (5) Examine the role of the international “sex
11 tourism” industry in the trafficking of women and
12 children and in the sexual exploitation of women and
13 children around the world and make recommenda-
14 tions on appropriate measures to combat this indus-
15 try.

16 **SEC. 6. PREVENTION OF TRAFFICKING.**

17 (a) **ECONOMIC ALTERNATIVES TO PREVENT AND**
18 **DETER TRAFFICKING.**—The President, acting through
19 the Administrator of the United States Agency for Inter-
20 national Development and the heads of other appropriate
21 agencies, shall establish and carry out initiatives to en-
22 hance economic opportunity for potential victims of traf-
23 ficking as a method to deter trafficking. Such initiatives
24 may include—

1 (1) microcredit lending programs, training in
2 business development, skills training, and job coun-
3 seling;

4 (2) programs to promote women’s participation
5 in economic decision making;

6 (3) programs to keep children, especially girls,
7 in elementary and secondary schools and to educate
8 persons who have been victims of trafficking;

9 (4) development of educational curricula re-
10 garding the dangers of trafficking; and

11 (5) grants to nongovernmental organizations to
12 accelerate and advance the political, economic, so-
13 cial, and educational roles and capacities of women
14 in their countries.

15 (b) PUBLIC AWARENESS AND INFORMATION.—The
16 President, acting through the Secretary of Labor, the Sec-
17 retary of Health and Human Services, the Attorney Gen-
18 eral, and the Secretary of State, shall establish and carry
19 out programs to increase public awareness, particularly
20 among potential victims of trafficking, of the dangers of
21 trafficking and the protections that are available for vic-
22 tims of trafficking.

23 (c) CONSULTATION REQUIREMENT.—The President
24 shall consult with appropriate nongovernmental organiza-

1 tions with respect to the establishment and conduct of ini-
2 tiatives described in subsection (a).

3 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
4 **TRAFFICKING.**

5 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
6 TRIES.—

7 (1) IN GENERAL.—The Secretary of State and
8 the Administrator of the United States Agency for
9 International Development, in consultation with ap-
10 propriate nongovernmental organizations, shall es-
11 tablish and carry out programs and initiatives in for-
12 eign countries to assist in the safe integration, re-
13 integration, or resettlement, as appropriate, of vic-
14 tims of trafficking and their children. Such pro-
15 grams and initiatives shall be designed to meet the
16 mental and physical health, housing, legal, and other
17 assistance needs of such victims and their children,
18 as identified by the Inter-Agency Task Force to
19 Monitor and Combat Trafficking established under
20 section 5.

21 (2) ADDITIONAL REQUIREMENT.—In estab-
22 lishing and conducting programs and initiatives de-
23 scribed in paragraph (1), the Secretary of State and
24 the Administrator of the United States Agency for
25 International Development shall take all appropriate

1 steps to enhance cooperative efforts among foreign
2 countries, including countries of origin of victims of
3 trafficking, to assist in the integration, reintegra-
4 tion, or resettlement, as appropriate, of victims of
5 trafficking including stateless victims.

6 (b) VICTIMS IN THE UNITED STATES.—

7 (1) ASSISTANCE.—

8 (A) Notwithstanding title IV of the Per-
9 sonal Responsibility and Work Opportunity
10 Reconciliation Act of 1996, an alien who is a
11 victim of a severe form of trafficking in persons
12 shall be eligible for benefits and services under
13 any Federal or State program or activity fund-
14 ed or administered by any official or agency de-
15 scribed in subparagraph (B) to the same extent
16 as an alien who is admitted to the United
17 States as a refugee under section 207 of the
18 Immigration and Nationality Act.

19 (B) Subject, in the case of nonentitlement
20 programs, to the availability of appropriations,
21 the Secretary of Health and Human Services,
22 the Secretary of Labor, and the Board of Direc-
23 tors of the Legal Services Corporation shall ex-
24 pand benefits and services to victims of severe

1 forms of trafficking in persons in the United
2 States.

3 (C) For the purposes of this paragraph,
4 the term “victim of a severe form of trafficking
5 in persons” means only a person—

6 (i) who has been subjected to an act
7 or practice described in section 3(2) as in
8 effect on the date of the enactment of this
9 Act; and

10 (ii)(I) who has not attained the age of
11 15 years; or

12 (II) who is the subject of a certifi-
13 cation under subparagraph (E).

14 (D) Not later than December 31 of each
15 year, the Secretary of Health and Human Serv-
16 ices, in consultation with the Secretary of
17 Labor and the Board of Directors of the Legal
18 Services Corporation, shall submit a report,
19 which includes information on the number of
20 persons who received benefits or other services
21 under this paragraph in connection with pro-
22 grams or activities funded or administered by
23 such agencies or officials during the preceding
24 fiscal year, to the Committee on Ways and
25 Means, the Committee on International Rela-

1 tions, and the Committee on the Judiciary of
2 the House of Representatives and the Com-
3 mittee on Finance, the Committee on Foreign
4 Relations, and the Committee on the Judiciary
5 of the Senate.

6 (E)(i) The certification referred to in sub-
7 paragraph (C) is a certification by the Sec-
8 retary of Health and Human Services, after
9 consultation with the Attorney General, that
10 the person referred to in subparagraph
11 (C)(ii)(II)—

12 (I) is willing to assist in every reason-
13 able way in the investigation and prosecu-
14 tion of severe forms of trafficking in per-
15 sons; and

16 (II) has made a bona fide application
17 for a visa under section 101(a)(15)(T) of
18 the Immigration and Nationality Act that
19 has not been denied or is a person whose
20 presence in the United States the Attorney
21 General is ensuring under subsection
22 (c)(4).

23 (ii) For the purpose of a certification
24 under this subparagraph, the term “investiga-
25 tion and prosecution” includes—

1 (I) identification of a person or per-
2 sons who have committed severe forms of
3 trafficking in persons;

4 (II) location and apprehension of such
5 persons; and

6 (III) testimony at proceedings against
7 such persons.

8 (F) A person, who is the subject of a cer-
9 tification under subparagraph (E) because the
10 Attorney General is ensuring such person's
11 presence under subsection (c)(4) in order to ef-
12 fectuate prosecution, is eligible for benefits and
13 services under this paragraph only for so long
14 as the Attorney General determines such per-
15 son's presence is necessary to effectuate such
16 prosecution.

17 (2) BENEFITS.—Subject to the availability of
18 appropriations and notwithstanding any other provi-
19 sion of law, victims of severe forms of trafficking in
20 persons in the United States shall be eligible, with-
21 out regard to their immigration status, for any bene-
22 fits that are otherwise available under the Crime
23 Victims Fund, established under the Victims of
24 Crime Act of 1984, including victims' services, com-
25 pensation, and assistance.

1 (3) GRANTS.—

2 (A) Subject to the availability of appro-
3 priations, the Attorney General may make
4 grants to States, territories, and possessions of
5 the United States (including the Common-
6 wealths of Puerto Rico and the Northern Mar-
7 iana Islands), Indian tribes, units of local gov-
8 ernment, and nonprofit, nongovernmental vic-
9 tims' service organizations to develop, expand,
10 or strengthen victim service programs for vic-
11 tims of trafficking.

12 (B) To receive a grant under this para-
13 graph, an eligible unit of government or organi-
14 zation shall certify that its laws, policies, and
15 practices, as appropriate, do not punish or deny
16 services to victims of severe forms of trafficking
17 in persons on account of the nature of their em-
18 ployment, services, or other acts performed in
19 connection with such trafficking.

20 (C) Of amounts made available for grants
21 under this paragraph, there shall be set aside 3
22 percent for research, evaluation and statistics; 2
23 percent for training and technical assistance;
24 and 1 percent for management and administra-
25 tion.

1 (D) The Federal share of a grant made
2 under this paragraph may not exceed 75 per-
3 cent of the total costs of the projects described
4 in the application submitted.

5 (4) CIVIL ACTION.—An individual who is a vic-
6 tim of a violation of section 1589, 1590, 1591 of
7 title 18, United States Code, regarding trafficking,
8 may bring a civil action in United States district
9 court. The court may award actual damages, puni-
10 tive damages, reasonable attorneys' fees, and other
11 litigation costs reasonably incurred.

12 (c) TRAFFICKING VICTIM REGULATIONS.—Not later
13 than 180 days after the date of the enactment of this Act,
14 the Attorney General and the Secretary of State shall pro-
15 mulgate regulations for law enforcement personnel, immi-
16 gration officials, and Department of State officials to im-
17 plement the following:

18 (1) Victims of severe forms of trafficking, while
19 in the custody of the Federal Government and to the
20 extent practicable, shall be housed in appropriate
21 shelter as quickly as possible; receive prompt medical
22 care, food, and other assistance; and be provided
23 protection if a victim's safety is at risk or if there
24 is danger of additional harm by recapture of the vic-
25 tim by a trafficker.

1 (2) Victims of severe forms of trafficking shall
2 not be jailed, fined, or otherwise penalized due to
3 having been trafficked, but the authority of the At-
4 torney General under the Immigration and Nation-
5 ality Act to detain aliens shall not be curtailed by
6 any regulation promulgated to implement this para-
7 graph.

8 (3) Victims of severe forms of trafficking shall
9 have access to legal assistance, information about
10 their rights, and translation services.

11 (4) Federal law enforcement officials shall act
12 to ensure an alien's continued presence in the
13 United States, if after an assessment, it is deter-
14 mined that such alien is a victim of a severe form
15 of trafficking in persons, or a material witness to
16 such trafficking, in order to effectuate prosecution of
17 those responsible and to further the humanitarian
18 interests of the United States. Such officials, in in-
19 vestigating and prosecuting persons engaging in
20 such trafficking, shall take into consideration the
21 safety and integrity of such victims, but the author-
22 ity of the Attorney General under the Immigration
23 and Nationality Act to detain aliens shall not be cur-
24 tailed by any regulation promulgated to implement
25 this paragraph.

1 (5) Appropriate personnel of the Department of
2 State and the Department of Justice are trained in
3 identifying victims of severe forms of trafficking and
4 providing for the protection of such victims. Train-
5 ing under this paragraph should include methods for
6 achieving antitrafficking objectives through the non-
7 discriminatory application of immigration and other
8 related laws.

9 (d) CONSTRUCTION.—Nothing in subsection (c) shall
10 be construed as creating any private cause of action
11 against the United States or its offices or employees.

12 (e) FUNDING.—Funds from asset forfeiture under
13 section 1594 of title 18, United States Code, (as added
14 by section 12 of this Act) shall first be disbursed to satisfy
15 any judgments awarded victims of trafficking under sub-
16 section (b)(4) or section 1593 of title 18, United States
17 Code, (as added by section 12 of this Act). The remaining
18 funds from such asset forfeiture are authorized to be avail-
19 able in equal amounts for the purposes of subsections (a)
20 and (b) and shall remain available for obligation until ex-
21 pended.

22 (f) PROTECTION FROM REMOVAL FOR CERTAIN VIC-
23 TIMS OF TRAFFICKING.—

24 (1) NONIMMIGRANT CLASSIFICATION FOR CER-
25 TAIN VICTIMS OF TRAFFICKING.—Section 101(a)(15)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(15)) is amended—

3 (A) by striking “or” at the end of subpara-
4 graph (R);

5 (B) by striking the period at the end of
6 subparagraph (S) and inserting “; or”; and

7 (C) by adding at the end the following:

8 “(T) subject to section 214(n), an alien, and
9 the spouse and children of the alien if accompanying
10 or following to join the alien, who the Attorney Gen-
11 eral determines—

12 “(i) is or has been a victim of a severe
13 form of trafficking in persons (as defined in
14 section 3 of the Trafficking Victims Protection
15 Act of 2000);

16 “(ii) is physically present in the United
17 States or at a port of entry into the United
18 States by reason of having been transported to
19 the United States or the port of entry in con-
20 nection with such severe form of trafficking in
21 persons;

22 “(iii)(I) has not attained 15 years of age;
23 or

24 “(II) was induced to participate in the
25 commercial sex act or condition of involuntary

1 servitude, peonage, or slavery or slavery-like
2 practices that is the basis of the determination
3 under clause (i) by force, coercion, fraud, or de-
4 ception, did not voluntarily agree to any ar-
5 rangement including such participation, and
6 has complied with any reasonable request for
7 assistance in the investigation or prosecution of
8 severe forms of trafficking in persons; and

9 “(iv)(I) has a well-founded fear of retribu-
10 tion involving the infliction of severe harm upon
11 removal from the United States; or

12 “(II) would suffer extreme hardship in
13 connection with the victimization described in
14 clause (i) upon removal from the United States,
15 and, if the Attorney General considers it to be nec-
16 essary to avoid extreme hardship, the sons and
17 daughters (who are not children), of any such alien
18 (and the parents of any such alien, in the case of an
19 alien under 21 years of age) if accompanying or fol-
20 lowing to join the alien.”.

21 (2) CONDITIONS ON NONIMMIGRANT STATUS.—

22 Section 214 of the Immigration and Nationality Act
23 (8 U.S.C. 1184) is amended—

24 (1) by redesignating the subsection (l) added by
25 section 625(a) of the Illegal Immigration Reform

1 and Immigrant Responsibility Act of 1996 (Public
2 Law 104–208; 110 Stat. 3009–1820) as subsection
3 (m); and

4 (2) by adding at the end the following:

5 “(n)(1) No alien shall be eligible for admission to the
6 United States under section 101(a)(15)(T) if there is sub-
7 stantial reason to believe that the alien has committed an
8 act of a severe form of trafficking in persons (as defined
9 in section 3 of the Trafficking Victims Protection Act of
10 2000).

11 “(2) The total number of aliens who may be issued
12 visas or otherwise provided nonimmigrant status during
13 any fiscal year under section 101(a)(15)(T) may not ex-
14 ceed 5,000.

15 “(3) The numerical limitation of paragraph (2) shall
16 only apply to principal aliens and not to the spouses, sons,
17 daughters, or parents of such aliens.

18 “(4) Aliens who are subject to the numerical limita-
19 tion of paragraph (2) shall be issued visas (or otherwise
20 provided nonimmigrant status) in the order in which peti-
21 tions are filed for such visas or status.”.

22 (3) WAIVER OF GROUNDS FOR INELIGIBILITY
23 FOR ADMISSION.—Section 212(d) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1182(d)) is
25 amended by adding at the end the following:

1 “(13)(A) The Attorney General shall determine
2 whether a ground for inadmissibility exists with respect
3 to a nonimmigrant described in section 101(a)(15)(T).

4 “(B) In addition to any other waiver that may be
5 available under this section, in the case of a nonimmigrant
6 described in section 101(a)(15)(T), if the Attorney Gen-
7 eral considers it to be in the national interest to do so,
8 the Attorney General, in the Attorney General’s discretion,
9 may waive the application of—

10 “(i) paragraphs (1) and (4) of subsection (a);

11 and

12 “(ii) any other provision of such subsection (ex-
13 cluding paragraphs (3), (10)(C), and (10(E)) if the
14 activities rendering the alien inadmissible under the
15 provision were caused by, or were incident to, the
16 victimization described in section 101(a)(15)(T)(i).

17 “(C) Nothing in this paragraph shall be regarded as
18 prohibiting the Attorney General from instituting removal
19 proceedings against an alien admitted as a nonimmigrant
20 under section 101(a)(15)(T) for conduct committed after
21 the alien’s admission into the United States, or for con-
22 duct or a condition that was not disclosed to the Attorney
23 General prior to the alien’s admission as a nonimmigrant
24 under section 101(a)(15)(T).”.

1 (4) ADJUSTMENT TO PERMANENT RESIDENT
2 STATUS.—Section 245 of the Immigration and Na-
3 tionality Act (8 U.S.C. 1255) is amended by adding
4 at the end the following:

5 “(l)(1) If, in the opinion of the Attorney General, a
6 nonimmigrant admitted into the United States under sec-
7 tion 101(a)(15)(T)—

8 “(A) has been physically present in the United
9 States for a continuous period of at least 3 years
10 since the date of such admission;

11 “(B) has, throughout such period, been a per-
12 son of good moral character;

13 “(C) has, during such period, complied with any
14 reasonable request for assistance in the investigation
15 or prosecution of severe forms of trafficking in per-
16 sons; and

17 “(D)(i) has a well-founded fear of retribution
18 involving the infliction of severe harm upon removal
19 from the United States; or

20 “(ii) would suffer extreme hardship in connec-
21 tion with the victimization described in section
22 101(a)(15)(T)(i) upon removal from the United
23 States,

24 the Attorney General may adjust the status of the alien
25 (and the spouse, parents, married and unmarried sons and

1 daughters of the alien if admitted under such section) to
2 that of an alien lawfully admitted for permanent residence.

3 “(2) Paragraph (1) shall not apply to an alien admit-
4 ted under section 101(a)(15)(T) who is inadmissible to the
5 United States by reason of a ground that has not been
6 waived under section 212, except that, if the Attorney
7 General considers it to be in the national interest to do
8 so, the Attorney General, in the Attorney General’s discre-
9 tion, may waive the application of—

10 “(A) paragraphs (1) and (4) of section 212(a);
11 and

12 “(B) any other provision of such section (ex-
13 cluding paragraphs (3), (10)(C), and (10(E))), if the
14 activities rendering the alien inadmissible under the
15 provision were caused by, or were incident to, the
16 victimization described in section 101(a)(15)(T)(i).

17 “(3) An alien shall be considered to have failed to
18 maintain continuous physical presence in the United
19 States for purposes of paragraph (1)(A) if the alien has
20 departed from the United States for any period in excess
21 of 90 days or for any periods in the aggregate exceeding
22 180 days.

23 “(4)(A) The total number of aliens whose status may
24 be adjusted under paragraph (1) during any fiscal year
25 may not exceed 5,000.

1 “(B) The numerical limitation of subparagraph (A)
2 shall only apply to principal aliens and not to the spouses,
3 sons, daughters, or parents of such aliens.

4 “(C) Aliens who are subject to the numerical limita-
5 tion of subparagraph (A) shall have their status adjusted
6 in the order in which applications are filed for such adjust-
7 ment.

8 “(D) Upon the approval of adjustment of status
9 under paragraph (1)—

10 “(i) the Attorney General shall record the
11 alien’s lawful admission for permanent residence as
12 of the date of such approval; and

13 “(ii) the Secretary of State shall not be re-
14 quired to reduce the number of immigrant visas au-
15 thorized to be issued under this Act for any fiscal
16 year.”.

17 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**
18 **TRAFFICKING.**

19 (a) **MINIMUM STANDARDS.**—Minimum standards for
20 the elimination of trafficking for a country that is a coun-
21 try of origin, of transit, or of destination for a significant
22 number of victims are as follows:

23 (1) The country should prohibit severe forms of
24 trafficking in persons and punish acts of such traf-
25 ficking.

1 (2) For the knowing commission of any act of
2 sex trafficking involving fraud, force, or coercion or
3 in which the victim of sex trafficking is a child in-
4 capable of giving meaningful consent, or of traf-
5 ficking which includes rape or kidnapping or which
6 causes a death, the country should prescribe punish-
7 ment commensurate with that for the most serious
8 crimes, such as forcible sexual assault.

9 (3) For the knowing commission of any act of
10 a severe form of trafficking in persons, the country
11 should prescribe punishment which is sufficiently
12 stringent to deter and which adequately reflects the
13 heinous nature of the offense.

14 (4) The country should make serious and sus-
15 tained efforts to eliminate severe forms of trafficking
16 in persons.

17 (b) CRITERIA.—In determinations under subsection
18 (a)(4) the following factors should be considered:

19 (1) Whether the country vigorously investigates
20 and prosecutes acts of severe forms of trafficking in
21 persons that take place wholly or partly within the
22 territory of the country.

23 (2) Whether the country cooperates with other
24 countries in the investigation and prosecution of se-
25 vere forms of trafficking in persons.

1 (3) Whether the country extradites persons
2 charged with acts of severe forms of trafficking in
3 persons on the same terms and to the same extent
4 as persons charged with other serious crimes.

5 (4) Whether the country monitors immigration
6 and emigration patterns for evidence of severe forms
7 of trafficking in persons and whether law enforce-
8 ment agencies of the country respond to any such
9 evidence in a manner which is consistent with the
10 vigorous investigation and prosecution of acts of
11 such trafficking, as well as with the protection of
12 victims and the internationally recognized human
13 right to leave countries and to return to one's own
14 country.

15 (5) Whether the country protects victims of se-
16 vere forms of trafficking in persons and encourages
17 their assistance in the investigation and prosecution
18 of such trafficking, including provision for legal al-
19 ternatives to their removal to countries in which they
20 would face retribution or other hardship.

21 (6) Whether the country vigorously investigates
22 and prosecutes public officials who participate in or
23 facilitate severe forms of trafficking in persons, and
24 takes all appropriate measures against officials who
25 condone such trafficking.

1 **SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
2 **MINIMUM STANDARDS.**

3 The Secretary of State and the Director of the Agen-
4 cy for International Development are authorized to pro-
5 vide assistance to foreign countries for programs and ac-
6 tivities designed to meet the minimum international stand-
7 ards for the elimination of trafficking, including drafting
8 of legislation to prohibit and punish acts of trafficking,
9 investigation and prosecution of traffickers, and facilities,
10 programs, and activities for the protection of victims.

11 **SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO**
12 **MEET MINIMUM STANDARDS.**

13 (a) STATEMENT OF POLICY.—It is the policy of the
14 United States not to provide nonhumanitarian foreign as-
15 sistance to countries which do not meet minimum stand-
16 ards for the elimination of trafficking.

17 (b) REPORTS TO CONGRESS.—

18 (1) ANNUAL REPORT.—Not later than April 30
19 of each year, the Secretary of State shall submit to
20 the appropriate congressional committees a report
21 with respect to the status of severe forms of traf-
22 ficking in persons which shall include a list of those
23 countries, if any, to which the minimum standards
24 for the elimination of trafficking under section 8 are
25 applicable and which do not meet such standards,
26 and which may include additional information, in-

1 including information about efforts to combat traf-
2 ficking and about countries which have taken appro-
3 priate actions to combat trafficking.

4 (2) INTERIM REPORTS.—The Secretary of State
5 may submit to the appropriate congressional com-
6 mittees in addition to the annual report under sub-
7 section (b) one or more interim reports with respect
8 to the status of severe forms of trafficking in per-
9 sons, including information about countries whose
10 governments have come into or out of compliance
11 with the minimum standards for the elimination of
12 trafficking since the transmission of the last annual
13 report.

14 (c) NOTIFICATION.—For fiscal year 2002 and each
15 subsequent fiscal year, for each foreign country to which
16 the minimum standards for the elimination of trafficking
17 are applicable and which has failed to meet such stand-
18 ards, as described in an annual or interim report under
19 subsection (b), not less than 45 days and not more than
20 90 days after the submission of such a report the Presi-
21 dent shall submit a notification to the appropriate con-
22 gressional committees of one of the determinations de-
23 scribed in subsection (d).

24 (d) DETERMINATIONS.—The determinations referred
25 to in subsection (c) are as follows:

1 (1) WITHHOLDING OF NONHUMANITARIAN AS-
2 SISTANCE.—The President has determined that—

3 (A)(i) the United States will not provide
4 nonhumanitarian foreign assistance to the gov-
5 ernment of the country for the subsequent fiscal
6 year until such government complies with the
7 minimum standards; or

8 (ii) in the case of a country whose govern-
9 ment received no nonhumanitarian foreign as-
10 sistance from the United States during the pre-
11 vious fiscal year, the United States will not pro-
12 vide funding for participation by officials or em-
13 ployees of such governments in educational and
14 cultural exchange programs for the subsequent
15 fiscal year until such government complies with
16 the minimum standards; and

17 (B) the President will instruct the United
18 States Executive Director of each multilateral
19 development bank and of the International
20 Monetary Fund to vote against, and to use his
21 or her best efforts to deny, any loan or other
22 utilization of the funds of his or her institution
23 to that country (other than for humanitarian
24 assistance, or for development assistance which
25 directly addresses basic human needs, is not ad-

1 ministered by the government of the sanctioned
2 country, and confers no benefit to that country)
3 for the subsequent fiscal year until such govern-
4 ment complies with the minimum standards.

5 (2) SUBSEQUENT COMPLIANCE.—The Secretary
6 of State has determined that the country has come
7 into compliance with the minimum standards.

8 (3) CONTINUATION OF ASSISTANCE IN THE NA-
9 TIONAL INTEREST.—Notwithstanding the failure of
10 the country to comply with minimum standards for
11 the elimination of trafficking, the President has de-
12 termined that the provision of nonhumanitarian for-
13 eign assistance to the country is in the national in-
14 terest of the United States.

15 (4) EXERCISE OF WAIVER AUTHORITY.—The
16 President may exercise the authority under para-
17 graph (3) with respect to all nonhumanitarian for-
18 eign assistance to a country or with respect to one
19 or more programs, projects, or activities.

20 (e) CERTIFICATION.—Together with any notification
21 under subsection (c), the President shall provide a certifi-
22 cation by the Secretary of State that with respect to as-
23 sistance described in clause (i), (ii), or (iv) of subpara-
24 graph 3(10)(A) or in subparagraph 3(10)(B), no assist-
25 ance is intended to be received or used by any agency or

1 official who has participated in, facilitated, or condoned
2 a severe form of trafficking in persons.

3 **SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN**
4 **PERSONS.**

5 (a) **AUTHORITY TO SANCTION SIGNIFICANT TRAF-**
6 **FICKERS IN PERSONS.—**

7 (1) **IN GENERAL.—**The President may exercise
8 IEEPA authorities (other than authorities relating
9 to importation) without regard to section 202 of the
10 International Emergency Economic Powers Act (50
11 U.S.C. 1705) in the case of any foreign person who
12 is on the list described in subsection (b).

13 (2) **PENALTIES.—**The penalties set forth in sec-
14 tion 206 of the International Emergency Economic
15 Powers Act (50 U.S.C. 1705) apply to violations of
16 any license, order, or regulation issued under this
17 section.

18 (3) **IEEPA AUTHORITIES.—**For purposes of
19 clause (i), the term “IEEPA authorities” means the
20 authorities set forth in section 203(a) of the Inter-
21 national Emergency Economic Powers Act (50
22 U.S.C. 1702(a)).

23 (b) **LIST OF TRAFFICKERS OF PERSONS.—**

1 (1) COMPILING LIST OF TRAFFICKERS IN PER-
2 SONS.—The Secretary of State is authorized to com-
3 pile a list of the following persons:

4 (A) any foreign person that plays a signifi-
5 cant role in a severe form of trafficking in per-
6 sons, directly or indirectly in the United States
7 or any of its territories or possessions;

8 (B) foreign persons who materially assist
9 in, or provide financial or technological support
10 for or to, or providing goods or services in sup-
11 port of, activities of a significant foreign traf-
12 ficker in persons identified pursuant to sub-
13 paragraph (A); and

14 (C) foreign persons that are owned, con-
15 trolled, or directed by, or acting for or on behalf
16 of, a significant foreign trafficker so identified
17 pursuant to subparagraph (A).

18 (2) REVISIONS TO LIST.—The Secretary of
19 State shall make additions or deletions to any list
20 published under paragraph (1) on an ongoing basis
21 based on the latest information available.

22 (3) CONSULTATION.—The Secretary of State
23 shall consult with the following officers in carrying
24 out paragraphs (1) and (2).

25 (A) the Attorney General;

1 (B) the Director of Central Intelligence;

2 (C) the Director of the Federal Bureau of
3 Investigation;

4 (D) the Secretary of Labor; and

5 (E) the Secretary of Health and Human
6 Services.

7 (4) PUBLICATION OF LIST.—Upon compiling
8 the list referred to in paragraph (1) and within 30
9 days of any revisions to such list, the Secretary of
10 State shall submit the list or revisions to such list
11 to the Committees on the International Relations
12 and Judiciary and the Permanent Select Committee
13 on Intelligence of the House of Representatives; and
14 to the Committees on the Foreign Relations and the
15 Select Committee on Intelligence of the Senate; and
16 publish the list or revisions to such list in the Fed-
17 eral Register.

18 (c) REPORT TO CONGRESS ON IDENTIFICATION AND
19 SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PER-
20 SONS.—Upon exercising the authority of subsection (a),
21 the President shall report to the Committees on the Inter-
22 national Relations and Judiciary and the Permanent Se-
23 lect Committee on Intelligence of the House of Represent-
24 atives; and to the Committees on the Foreign Relations
25 and the Select Committee on Intelligence of the Senate—

1 (1) identifying publicly the foreign persons that
2 the President determines are appropriate for sanc-
3 tions pursuant to this section; and

4 (2) detailing publicly the sanctions imposed
5 pursuant to this section.

6 (d) EXCLUSION OF CERTAIN INFORMATION.—

7 (1) INTELLIGENCE.—Notwithstanding any
8 other provision of this section, the list and report de-
9 scribed in subsections (b) and (c) shall not disclose
10 the identity of any person, if the Director of Central
11 Intelligence determines that such disclosure could
12 compromise an intelligence operation, activity,
13 source, or method of the United States.

14 (2) LAW ENFORCEMENT.—Notwithstanding any
15 other provision of this section, the list and report de-
16 scribed in subsections (b) and (c) shall not disclose
17 the name of any person if the Attorney General, in
18 coordination as appropriate with the Director of the
19 Federal Bureau of Investigation, the Administrator
20 of the Drug Enforcement Administration, and the
21 Secretary of the Treasury, determines that such dis-
22 closure could reasonably be expected to—

23 (A) compromise the identity of a confiden-
24 tial source, including a State, local, or foreign
25 agency or authority or any private institution

1 that furnished information on a confidential
2 basis;

3 (B) jeopardize the integrity or success of
4 an ongoing criminal investigation or prosecu-
5 tion;

6 (C) endanger the life or physical safety of
7 any person; or

8 (D) cause substantial harm to physical
9 property.

10 (3) NOTIFICATION REQUIRED.—(A) Whenever
11 either the Director of Central Intelligence or the At-
12 torney General makes a determination under this
13 subsection, the Director of Central Intelligence or
14 the Attorney General shall notify the Permanent Se-
15 lect Committee on Intelligence of the House of Rep-
16 resentatives and the Select Committee on Intel-
17 ligence of the Senate, and explain the reasons for
18 such determination.

19 (B) The notification required under this para-
20 graph shall be submitted to the Permanent Select
21 Committee on Intelligence of the House of Rep-
22 resentatives and the Select Committee on Intel-
23 ligence of the Senate not later than July 1, 2000,
24 and on an annual basis thereafter.

1 (e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-
2 TIES NOT AFFECTED.—Nothing in this section prohibits
3 or otherwise limits the authorized law enforcement or in-
4 telligence activities of the United States, or the law en-
5 forcement activities of any State or subdivision thereof.

6 (f) EXCLUSION OF PERSONS WHO HAVE BENEFITED
7 FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PER-
8 SONS.—Section 212(a)(2) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1182(a)(2)) is amended by inserting
10 the following new subparagraph at the end:

11 “(H) SIGNIFICANT TRAFFICKERS IN PER-
12 SONS.—Any alien who—

13 “(i) is on the most recent list of sig-
14 nificant traffickers provided in section 10
15 of the Trafficking Victims Protection Act
16 of 1999, or who the consular officer or the
17 Attorney General knows or has reason to
18 believe is or has been a knowing aider,
19 abettor, assister, conspirator, or colluder
20 with such a trafficker in severe forms of
21 trafficking in persons as defined in the sec-
22 tion 3 of such Act; or

23 “(ii) who the consular officer or the
24 Attorney General knows or has reason to
25 believe is the spouse, son, or daughter of

1 an alien inadmissible under clause (i), has,
2 within the previous 5 years, obtained any
3 financial or other benefit from the illicit
4 activity of that alien, and knew or reason-
5 ably should have known that the financial
6 or other benefit was the product of such il-
7 licit activity, is inadmissible.”.

8 (g) IMPLEMENTATION.—

9 (1) The Secretary of State, the Attorney Gen-
10 eral, and the Secretary of Treasury are authorized
11 to take such actions as may be necessary to carry
12 out this section, including promulgating rules and
13 regulations permitted under this Act.

14 (2)(A) Subject to subparagraph (B), such rules
15 and regulations shall require that a reasonable effort
16 be made to provide notice and an opportunity to be
17 heard, in person or through a representative, prior
18 to placement of a person on the list described in
19 subsection (b).

20 (B) If there is reasonable cause to believe that
21 such a person would take actions to undermine the
22 ability of the President to exercise the authority pro-
23 vided under subsection (a), such notice and oppor-
24 tunity to be heard shall be provided as soon as prac-

1 ticable after the placement of the person on the list
2 described in subsection (b).

3 (h) DEFINITION OF FOREIGN PERSONS.—As used in
4 this section, the term “foreign person” means any citizen
5 or national of a foreign state or any entity not organized
6 under the laws of the United States, including a foreign
7 government official, but does not include a foreign state.

8 (i) CONSTRUCTION.—Nothing in this section shall be
9 construed as precluding judicial review of the placement
10 of any person on the list of traffickers in person described
11 in subsection (b).

12 **SEC. 12. STRENGTHENING PROSECUTION AND PUNISH-**
13 **MENT OF TRAFFICKERS.**

14 (a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18,
15 United States Code, is amended—

16 (1) in each of sections 1581(a), 1583, and
17 1584—

18 (A) by striking “10 years” and inserting
19 “20 years”; and

20 (B) by adding at the end the following: “If
21 death results from a violation of this section, or
22 if such violation includes kidnapping or an at-
23 tempt to kidnap, aggravated sexual abuse or
24 the attempt to commit aggravated sexual abuse,
25 or an attempt to kill, the defendant shall be

1 fined under this title or imprisoned for any
2 term of years or life, or both.”;

3 (2) by inserting at the end the following:

4 **“§ 1589. Forced labor**

5 “Whoever knowingly provides or obtains the labor or
6 services of a person—

7 “(1) by threats of serious harm to, or physical
8 restraint against, that person or another person;

9 “(2) by use of fraud, deceit, or misrepresenta-
10 tion if the person is a minor, mentally disabled, or
11 otherwise particularly susceptible to undue influence;

12 “(3) by means of any scheme, plan, or pattern
13 intended to cause the person to believe that if the
14 person did not perform such labor or services, seri-
15 ous harm or physical restraint would be inflicted on
16 that person or another person; or

17 “(4) by means of the abuse or threatened abuse
18 of law or the legal process,

19 shall be fined under this title or imprisoned not more than
20 20 years, or both. If death results from a violation of this
21 section, or if such violation includes kidnapping or an at-
22 tempt to kidnap, aggravated sexual abuse or the attempt
23 to commit aggravated sexual abuse, or an attempt to kill,
24 the defendant shall be fined under this title or imprisoned
25 for any term of years or life, or both.

1 **“§ 1590. Trafficking with respect to peonage, slavery,**
2 **involuntary servitude, or forced labor**

3 “Whoever knowingly—

4 “(1) recruits, harbors, transports, provides, or
5 obtains by any means, any person for labor or serv-
6 ices in violation of this chapter; or

7 “(2) benefits, financially or otherwise, from an
8 enterprise in which a person has been subjected to
9 labor or services in violation of this chapter,

10 shall be fined under this title or imprisoned not more than
11 20 years, or both. If death results from a violation of this
12 section, or if such violation includes kidnapping or an at-
13 tempt to kidnap, aggravated sexual abuse, or the attempt
14 to commit aggravated sexual abuse, or an attempt to kill,
15 the defendant shall be fined under this title or imprisoned
16 for any term of years or life, or both.

17 **“§ 1591. Sex trafficking of children or by coercion,**
18 **fraud, deceit, or misrepresentation**

19 “(a) IN GENERAL.—Whoever knowingly—

20 “(1) recruits, harbors, transports, provides, or
21 obtains by any means a person; or

22 “(2) benefits, financially or otherwise, from an
23 enterprise in which a person has been recruited, en-
24 ticed, harbored, transported, provided, or obtained in
25 violation of paragraph (1),

1 knowing that coercion, fraud, deceit, misrepresentation, or
2 other abusive practices described in subsection (c)(2) will
3 be used to cause the person to engage in a commercial
4 sex act, or that the person has not attained the age of
5 18 years and will be caused to engage in a commercial
6 sex act, shall be punished as provided in subsection (b).

7 “(b) PUNISHMENT.—The punishment for an offense
8 under subsection (a) is—

9 “(1) if the offense was effected by coercion,
10 fraud, deceit, misrepresentation, or other abusive
11 practices or if the person transported had not at-
12 tained the age of 14 years at the time of such of-
13 fense, by a fine under this title or imprisonment for
14 any term of years or for life, or both; or

15 “(2) if the offense was not so effected, and the
16 person transported had attained the age of 14 years
17 but had not attained the age of 18 years at the time
18 of such offense, by a fine under this title or impris-
19 onment for not more than 20 years, or both.

20 “(c) DEFINITION.—In this section—

21 “(1) The term ‘commercial sex act’ means any
22 sex act, on account of which anything of value is
23 given to or received by any person, and—

24 “(A) which takes place in the United
25 States;

1 “(B) which affects United States foreign
2 commerce; or

3 “(C) in which either the person caused or
4 expected to participate in the act or the person
5 committing the violation is a United States cit-
6 izen or an alien admitted for permanent resi-
7 dence in the United States.”

8 “(2) The term ‘other abusive practices’
9 means—

10 “(A) threats of serious harm to, or phys-
11 ical restraint against, the person or other per-
12 son; and

13 “(B) the abuse or threatened abuse of law
14 or the legal process.

15 **“§ 1592. Unlawful conduct with respect to documents**
16 **in furtherance of trafficking, peonage,**
17 **slavery, involuntary servitude, or forced**
18 **labor**

19 “(a) Whoever destroys, conceals, removes, con-
20 fiscates, or possesses any identification, passport, or other
21 immigration documents, or any other documentation of
22 another person—

23 “(1) in the course of a violation of section
24 1581, 1583, 1584, 1589, 1590, or 1591 or a con-
25 spiracy or attempt to commit such a violation; or

1 “(2) to prevent or restrict, without lawful au-
2 thority, the person’s liberty to move or travel in
3 interstate or foreign commerce in furtherance of a
4 violation of section 1581, 1583, 1584, 1589, 1590,
5 or 1591 or a conspiracy or attempt to commit such
6 a violation,

7 shall be fined under this title or imprisoned for not more
8 than 5 years, or both.

9 “(b) Subsection (a) does not apply to the conduct of
10 a person who is or has been a victim of a severe form
11 of trafficking in persons as defined in section 3(6) of the
12 Trafficking Victims Protection Act of 2000, if that con-
13 duct is caused by, or incident to, that trafficking.

14 **“§ 1593. Mandatory restitution**

15 “(a) Notwithstanding sections 3663 or 3663A, and
16 in addition to any other civil or criminal penalties author-
17 ized by law, the court shall order restitution for any of-
18 fense under this chapter.

19 “(b)(1) The order of restitution under this section
20 shall direct the defendant to pay the victim (through the
21 appropriate court mechanism) the full amount of the vic-
22 tim’s losses, as determined by the court under paragraph
23 (3) of this subsection.

1 “(2) An order of restitution under this section shall
2 be issued and enforced in accordance with section 3664
3 in the same manner as an order under section 3663A.

4 “(3) As used in this subsection, the term ‘full amount
5 of the victim’s losses’ has the same meaning as provided
6 in section 2259(b)(3) and shall in addition include the
7 greater of the gross income or value to the defendant of
8 the victim’s services or labor or the value of the victim’s
9 labor as guaranteed under the minimum wage and over-
10 time guarantees of the Fair Labor Standards Act (29
11 U.S.C. 201, et seq.).

12 “(c) As used in this section, the term ‘victim’ means
13 the individual harmed as a result of a crime under this
14 chapter, including, in the case of a victim who is under
15 18 years of age, incompetent, incapacitated, or deceased,
16 the legal guardian of the victim or a representative of the
17 victim’s estate, or another family member, or any other
18 person appointed as suitable by the court, but in no event
19 shall the defendant be named such representative or
20 guardian.

21 **“§ 1594. General provisions**

22 “(a) An attempt or conspiracy to violate section
23 1581, 1583, 1584, 1589, 1590, or 1591 shall be punish-
24 able in the same manner as a completed violation of that
25 section.

1 “(b)(1) The court, in imposing sentence on any per-
2 son convicted of a violation of this chapter, shall order,
3 in addition to any other sentence imposed and irrespective
4 of any provision of State law, that such person shall forfeit
5 to the United States—

6 “(A) such person’s interest in any property,
7 real or personal, that was used or intended to be
8 used to commit or to facilitate the commission of
9 such violation; and

10 “(B) any property, real or personal, consti-
11 tuting or derived from, any proceeds that such per-
12 son obtained, directly or indirectly, as a result of
13 such violation.

14 “(2) The criminal forfeiture of property under this
15 subsection, any seizure and disposition thereof, and any
16 administrative or judicial proceeding in relation thereto,
17 shall be governed by the provisions of section 7(e) of the
18 Trafficking Victims Protection Act of 2000.

19 “(c)(1) The following shall be subject to forfeiture to
20 the United States and no property right shall exist in
21 them:

22 “(A) Any property, real or personal, used or in-
23 tended to be used to commit or to facilitate the com-
24 mission of any violation of this chapter.

1 “(B) Any property, real or personal, which con-
2 stitutes or is derived from proceeds traceable to any
3 violation of this chapter.

4 “(2) The provisions of chapter 46 of this title relating
5 to civil forfeitures shall extend to any seizure or civil for-
6 feiture under this subsection.

7 “(d) WITNESS PROTECTION.—Any violation of this
8 chapter shall be considered an organized criminal activity
9 or other serious offense for the purposes of application of
10 chapter 224 (relating to witness protection).”; and

11 (3) by amending the table of sections at the be-
12 ginning of chapter 77 by adding at the end the fol-
13 lowing new items:

“1589. Forced labor.

“1590. Trafficking with respect to peonage, slavery, involuntary servitude, or
forced labor.

“1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresen-
tation.

“1592. Unlawful conduct with respect to documents in furtherance of traf-
ficking, peonage, slavery, involuntary servitude, or forced labor.

“1593. Mandatory restitution.

“1594. General provisions.”.

14 (b) AMENDMENT TO THE SENTENCING GUIDE-
15 LINES.—

16 (1) Pursuant to its authority under section 994
17 of title 28, United States Code, and in accordance
18 with this section, the United States Sentencing Com-
19 mission shall review and, if appropriate, amend the
20 sentencing guidelines and policy statements applica-
21 ble to persons convicted of offenses involving the

1 trafficking of persons including component or related
2 crimes of peonage, involuntary servitude, slave trade
3 offenses, and possession, transfer or sale of false im-
4 migration documents in furtherance of trafficking,
5 and the Fair Labor Standards Act and the Migrant
6 and Seasonal Agricultural Worker Protection Act.

7 (2) In carrying out this subsection, the Sen-
8 tencing Commission shall—

9 (A) take all appropriate measures to en-
10 sure that these sentencing guidelines and policy
11 statements applicable to the offenses described
12 in paragraph (1) of this subsection are suffi-
13 ciently stringent to deter and adequately reflect
14 the heinous nature of such offenses;

15 (B) consider conforming the sentencing
16 guidelines applicable to offenses involving traf-
17 ficking in persons to the guidelines applicable to
18 peonage, involuntary servitude, and slave trade
19 offenses; and

20 (C) consider providing sentencing enhance-
21 ments for those convicted of the offenses de-
22 scribed in paragraph (1) of this subsection
23 that—

24 (i) involve a large number of victims;

1 (ii) involve a pattern of continued and
2 flagrant violations;

3 (iii) involve the use or threatened use
4 of a dangerous weapon; or

5 (iv) result in the death or bodily in-
6 jury of any person.

7 (3) The Commission may promulgate the guide-
8 lines or amendments under this subsection in ac-
9 cordance with the procedures set forth in section
10 21(a) of the Sentencing Act of 1987, as though the
11 authority under that Act had not expired.

12 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE
14 INTERAGENCY TASK FORCE.—To carry out the purposes
15 of section 5, there are authorized to be appropriated to
16 the Secretary of State \$1,500,000 for fiscal year 2000 and
17 \$3,000,000 for fiscal year 2001.

18 (b) AUTHORIZATION OF APPROPRIATIONS TO THE
19 SECRETARY OF HEALTH AND HUMAN SERVICES.—To
20 carry out the purposes of section 7(b) there are authorized
21 to be appropriated to the Secretary of Health and Human
22 Services \$5,000,000 for fiscal year 2000 and \$10,000,000
23 for fiscal year 2001.

24 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
25 SECRETARY OF STATE.—To carry out the purposes of sec-

1 tion 7(a) there are authorized to be appropriated to the
2 Secretary of State \$5,000,000 for fiscal year 2000 and
3 \$10,000,000 for fiscal year 2001.

4 (d) AUTHORIZATION OF APPROPRIATIONS TO ATTOR-
5 NEY GENERAL.—To carry out the purposes of section 7(b)
6 there are authorized to be appropriated to the Attorney
7 General \$5,000,000 for fiscal year 2000 and \$10,000,000
8 for fiscal year 2001.

9 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-
10 DENT.—

11 (1) FOREIGN VICTIM ASSISTANCE.—To carry
12 out the purposes of section 6 there are authorized to
13 be appropriated to the President \$5,000,000 for fis-
14 cal year 2000 and \$10,000,000 for fiscal year 2001.

15 (2) ASSISTANCE TO FOREIGN COUNTRIES TO
16 MEET MINIMUM STANDARDS.—To carry out the pur-
17 poses of section 9 there are authorized to be appro-
18 priated to the President \$5,000,000 for fiscal year
19 2000 and \$10,000,000 for fiscal year 2001.

20 (f) AUTHORIZATION OF APPROPRIATIONS TO THE
21 SECRETARY OF LABOR.—To carry out the purposes of
22 section 7(b) there are authorized to be appropriated to the

- 1 Secretary of Labor \$5,000,000 for fiscal year 2000 and
- 2 \$10,000,000 for fiscal year 2001.

Passed the House of Representatives May 9, 2000.

Attest:

Clerk.