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H. R. 3154

To combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of trafficking.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1999

Mr. GEJDENSON (for himself, Ms. SLAUGHTER, Mr. LANTOS, Mr. BERMAN, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Mr. PAYNE, Mr. MENENDEZ, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. HASTINGS of Florida, Ms. DANNER, Mr. HILLIARD, Mr. SHERMAN, Mr. WEXLER, Mr. ROTHMAN, Mr. DAVIS of Florida, Mr. POMEROY, Mr. DELAHUNT, Mr. MEEKS of New York, Ms. LEE, Mr. CROWLEY, Mr. HOEFFEL, Mr. KING, Mr. HOUGHTON, Mr. MEEHAN, Ms. WATERS, Mr. COOKSEY, Ms. PELOSI, Ms. DELAURO, Ms. NORTON, Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Comprehensive Antitrafficking in Persons Act of 1999”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes and findings.
- Sec. 3. Definitions.
- Sec. 4. Interagency task force to monitor and combat trafficking.
- Sec. 5. Prevention of trafficking.
- Sec. 6. Protection and assistance for victims of trafficking.
- Sec. 7. Humanitarian/material witness nonimmigrant visa.
- Sec. 8. Sanctions against countries involved in trafficking.
- Sec. 9. Strengthening prosecution and punishment of traffickers.
- Sec. 10. Annual Country Reports on Human Rights Practices.
- Sec. 11. Authorization of appropriations.

6 **SEC. 2. PURPOSES AND FINDINGS.**

7 (a) PURPOSES.—The purposes of this Act are to com-
8 bat both domestically and internationally the
9 transnational offense of trafficking in persons, a contem-
10 porary manifestation of slavery in which women and chil-
11 dren are predominant victims, through prevention, pros-
12 ecution and enforcement against traffickers, and protec-
13 tion and assistance to victims of this egregious violation
14 of human rights.

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

16 (1) The worldwide trafficking of persons is a
17 growing transnational crime, migration, economics,
18 labor, public health, and human rights problem that
19 is significant on nearly every continent.

1 (2) It is estimated that more than 1,000,000
2 individuals, primarily women and children, are traf-
3 ficked within or across borders annually. Approxi-
4 mately 50,000 women and children are trafficked
5 into the United States each year.

6 (3) Traffickers primarily target women and
7 girls, who are disproportionately affected by poverty,
8 lack of access to education, chronic unemployment,
9 discrimination, and lack of viable economic opportu-
10 nities in countries of origin. Traffickers lure women
11 and girls into their networks through false promises
12 of good working conditions at relatively high pay as
13 nannies, maids, dancers, factory workers, restaurant
14 workers, sales clerks, or models. Traffickers also buy
15 girls from poor families and sell them into many
16 types of bonded labor.

17 (4) Traffickers often facilitate victims' move-
18 ment from their home communities to unfamiliar
19 destinations, away from family and friends, religious
20 institutions, and other sources of protection and sup-
21 port, making the victims more vulnerable.

22 (5) Traffickers force victims to perform labor or
23 services such as prostitution and sexual servitude,
24 domestic servitude, bonded sweatshop labor, or other
25 work or services. Victims are forced to perform labor

1 or services through physical violence, including rape
2 and other forms of sexual abuse, torture, starvation,
3 and imprisonment, and threats of violence and other
4 forms of psychological abuse and coercion.

5 (6) Women and children trafficked into the sex
6 industry are exposed to deadly diseases, including
7 HIV and AIDS. Trafficking victims are sometimes
8 worked or physically brutalized to death.

9 (7) Trafficking is perpetrated increasingly by
10 organized and sophisticated criminal enterprises.
11 Worldwide, the industry is the fastest growing and
12 3d largest source of profits for organized criminal
13 enterprises, behind only drugs and firearms. Profits
14 from the trafficking industry contribute to the ex-
15 pansion of organized criminal activity in the United
16 States and around the world. Trafficking often is
17 aided by official corruption in countries of origin,
18 transit, and destination, thereby threatening the rule
19 of law.

20 (8) The United States and the international
21 community are in agreement that trafficking of per-
22 sons is a grave violation of human rights and a mat-
23 ter of pressing international concern. The Universal
24 Declaration of Human Rights; the Supplementary
25 Convention on the Abolition of Slavery, the Slave

1 Trade, and Institutions and Practices Similar to
2 Slavery; the International Covenant on Civil and Po-
3 litical Rights; the Convention on the Elimination of
4 All Forms of Discrimination Against Women; the
5 Convention Against Torture and Other Cruel, Inhu-
6 man or Degrading Treatment or Punishment, and
7 other relevant instruments condemn slavery and in-
8 voluntary servitude, violence and discrimination
9 against women, and components of the trafficking
10 scheme.

11 (9) No comprehensive law exists in the United
12 States that penalizes the range of offenses involved
13 in the trafficking scheme. Existing United States
14 laws and infrastructure are not sufficient to deter
15 trafficking to and from the United States and pro-
16 tect domestic trafficking victims. At present, traf-
17 fickers are prosecuted in the United States for vio-
18 lating laws related to components of the trafficking
19 scheme, such as involuntary servitude, slave trade
20 offenses, peonage, transportation for coerced or ille-
21 gal sexual activities, and immigration laws.

22 (10) The seriousness of the crime of trafficking
23 in persons is not reflected in current sentencing
24 guidelines for component crimes of the trafficking
25 scheme, which results in weak penalties for convicted

1 traffickers. Adequate services and facilities do not
2 exist to meet the healthcare, housing, education, and
3 legal assistance needs for the safe reintegration of
4 domestic trafficking victims.

5 (11) Trafficking in persons substantially affects
6 interstate and foreign commerce and has an impact
7 on the nationwide employment network and labor
8 market. Trafficking victims may be subjected to
9 dangerous work and living environments, isolation
10 and restriction of movement, and denial of pay. The
11 United States must take action to eradicate the sub-
12 stantial burdens on commerce that result from traf-
13 ficking in persons and to prevent the channels of
14 commerce from being used for an immoral and inju-
15 rious purpose.

16 (12) Traffickers may make representations to a
17 victim that physical harm may occur to them or to
18 others should the victim escape or attempt to escape.
19 These representations may have an equally coercive
20 effect on the victim as specific threats of harm. It
21 is therefore the intent of Congress that proof of in-
22 voluntary servitude or peonage, as it is used in pros-
23 ecutions under sections 241, 1581, 1583, 1584, and
24 1589 of title 18, United States Code, not be limited
25 to labor or services compelled by the use, or threat-

1 ened use, of force or legal coercion. Rather, viola-
2 tions of these sections may also be established by
3 proof that the labor or service of a person was ob-
4 tained or maintained through representations of
5 harm to the victim or to others. Violations under
6 these sections may also be created by the use of
7 fraud, deceit, or misrepresentation toward any per-
8 son in an effort to wrongfully obtain or maintain the
9 labor or services of that person, where the person is
10 a minor, an immigrant, one who is mentally dis-
11 abled, or one who is otherwise particularly suscep-
12 tible to coercion.

13 (13) Trafficking in persons is a transnational
14 crime with national implications. In order to end
15 this egregious violation of human rights, the United
16 States must take measures to strengthen the local
17 and regional capacity of countries of origin, transit
18 and destination to prevent trafficking, enforce
19 antitrafficking laws, prosecute traffickers, and pro-
20 tect trafficking victims. The United States must
21 work bilaterally and multilaterally to abolish the
22 trafficking industry and take steps to promote and
23 facilitate cooperation among countries linked to-
24 gether by international trafficking routes. The
25 United States must urge the international commu-

1 nity to take strong action in multilateral fora to en-
2 gage recalcitrant countries in serious and sustained
3 efforts to eliminate trafficking and protect traf-
4 ficking victims.

5 **SEC. 3. DEFINITIONS.**

6 For the purposes of this Act (other than section 8):

7 (1) The term “trafficking” means recruiting or
8 abducting, facilitating, transferring, harboring or
9 transporting a person, by the threat or use of force,
10 coercion, fraud or deception, or by the purchase,
11 sale, trade, transfer or receipt of a person, for the
12 purpose of subjecting that person to involuntary ser-
13 vitude, peonage, slavery, slavery-like practices, or
14 forced or bonded labor or services.

15 (2) The term “victim of trafficking” generally
16 means any person subjected to the actions set forth
17 in paragraph (1).

18 **SEC. 4. INTERAGENCY TASK FORCE TO MONITOR AND COM-**
19 **BAT TRAFFICKING.**

20 (a) ESTABLISHMENT.—The President shall establish
21 an Interagency Task Force to Monitor and Combat Traf-
22 ficking (in this section referred to as the “Task Force”).

23 (b) APPOINTMENT.—The President shall appoint the
24 members of the Task Force, which shall include the Sec-
25 retary of State, the Director of the Agency for Inter-

1 national Development, the Attorney General, the Sec-
2 retary of Labor, the Secretary of Health and Human Serv-
3 ices, the Director of the Central Intelligence Agency, and
4 such other officials as may be designated by the President.

5 (c) CHAIRMAN.—The Task Force shall be chaired by
6 the Secretary of State.

7 (d) SUPPORT FOR THE TASK FORCE.—The Secretary
8 of State is authorized to establish within the Department
9 of State an Office to Monitor and Combat Trafficking,
10 which shall provide assistance to the Task Force. Any
11 such Office shall be administered by a Director. The Di-
12 rector shall have the primary responsibility for assisting
13 the Secretary of State in carrying out the purposes of this
14 Act and may have additional responsibilities as determined
15 by the Secretary. The Director shall consult with domestic,
16 international nongovernmental and intergovernmental or-
17 ganizations, and with trafficking victims or other affected
18 persons. The Director shall have the authority to take evi-
19 dence in public hearings or by other means. The Office
20 is authorized to retain staff members from agencies rep-
21 resented on the Task Force.

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

25 (1) Coordinate the implementation of this Act.

1 (2) Measure and evaluate progress of the
2 United States and countries around the world in the
3 areas of trafficking prevention, protection and as-
4 sistance to victims of trafficking, and prosecution
5 and enforcement against traffickers, including the
6 role of public corruption in facilitating trafficking.

7 (3) Expand interagency procedures to collect
8 and organize data, including significant research and
9 resource information on domestic and international
10 trafficking in persons. Any data collection proce-
11 dures established under this subsection shall respect
12 the confidentiality of victims of trafficking.

13 (4) Engage in efforts to facilitate cooperation
14 among countries of origin, transit and destination.
15 Such efforts shall aim to strengthen local and re-
16 gional capacities to prevent trafficking, prosecute
17 traffickers and assist trafficking victims, and shall
18 include initiatives to enhance cooperative efforts be-
19 tween destination countries and countries of origin
20 and assist in the appropriate reintegration of state-
21 less victims of trafficking.

22 **SEC. 5. PREVENTION OF TRAFFICKING.**

23 (a) ECONOMIC ALTERNATIVES TO PREVENT AND
24 DETER TRAFFICKING.—The President, acting through
25 the Administrator of the United States Agency for Inter-

1 national Development and the heads of other appropriate
2 agencies, shall establish and carry out initiatives to en-
3 hance economic opportunity for potential victims of traf-
4 ficking as a method to deter trafficking. Such initiatives
5 may include—

6 (1) microcredit lending programs, training in
7 business development, skills training, and job coun-
8 seling;

9 (2) programs to promote women’s participation
10 in economic decisionmaking;

11 (3) programs to keep children, especially girls,
12 in elementary and secondary schools;

13 (4) development of educational curricula re-
14 garding the dangers of trafficking; and

15 (5) grants to nongovernmental organizations to
16 accelerate the empowerment of women in local and
17 regional, political, economic, social, and educational
18 roles in their countries.

19 (b) PUBLIC AWARENESS AND INFORMATION.—The
20 President, acting through the Secretary of Labor, the Sec-
21 retary of Health and Human Services, the Attorney Gen-
22 eral, and the Secretary of State, shall establish and carry
23 out programs to increase public awareness, particularly
24 among potential victims of trafficking, of the dangers of

1 trafficking and the protections that are available for vic-
2 tims of trafficking.

3 (c) CONSULTATION REQUIREMENT.—The President
4 shall consult with appropriate nongovernmental organiza-
5 tions with respect to the establishment and conduct of ini-
6 tiatives described in subsection (a).

7 **SEC. 6. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
8 **TRAFFICKING.**

9 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
10 TRIES.—

11 (1) IN GENERAL.—The Secretary of State and
12 the Administrator of the United States Agency for
13 International Development, in consultation with ap-
14 propriate nongovernmental organizations, shall es-
15 tablish and carry out programs and initiatives in for-
16 eign countries to assist in the safe reintegration of
17 victims of trafficking and their children. Such pro-
18 grams and initiatives shall be designed to meet the
19 mental and physical health, housing, legal, and other
20 assistance needs of such victims and their children,
21 as identified by the Inter-Agency Task Force to
22 Monitor and Combat Trafficking established under
23 section 4.

24 (2) ADDITIONAL REQUIREMENT.—The Sec-
25 retary of State and the Administrator of the United

1 States Agency for International Development shall
2 take all appropriate steps to enhance cooperative ef-
3 forts among foreign countries, including countries of
4 origin of victims of trafficking, and to assist in the
5 appropriate reintegration of stateless victims of traf-
6 ficking with respect to the establishment and con-
7 duct of programs and initiatives described in para-
8 graph (1).

9 (b) VICTIMS IN THE UNITED STATES.—

10 (1) ASSISTANCE.—Subject to the availability of
11 appropriations and notwithstanding title IV of the
12 Personal Responsibility and Work Opportunity Rec-
13 onciliation Act of 1996, the Attorney General, the
14 Secretary of Health and Human Services, the Sec-
15 retary of Labor, and the Board of Directors of the
16 Legal Services Corporation shall expand existing
17 services to provide assistance to victims of traf-
18 ficking within the United States, without regard to
19 the immigration status of such victims.

20 (2) BENEFITS.—Subject to the availability of
21 appropriations and notwithstanding any other provi-
22 sion of law, victims of trafficking in the United
23 States shall be eligible, without regard to their immi-
24 gration status, for any benefits that are otherwise
25 available under the Crime Victims Fund, established

1 under the Victims of Crime Act of 1984, including
2 victims' services, compensation, and assistance.

3 (3) GRANTS.—

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

14 (B) To receive a grant under this para-
15 graph, an eligible unit of government or organi-
16 zation shall certify that its laws, policies, and
17 practices, as appropriate, do not punish or deny
18 services to victims of trafficking on account of
19 the nature of their employment or services per-
20 formed in connection with such trafficking.

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

1 and 1 percent for management and administra-
2 tion.

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

7 (4) CIVIL ACTION.—An individual who is a vic-
8 tim of a violation of section 1589 of title 18, United
9 States Code, regarding trafficking and criminal ex-
10 ploitation of workers may bring a civil action in
11 United States district court. The court may award
12 actual damages, punitive damages, reasonable attor-
13 neys' fees, and other litigation costs reasonably in-
14 curred.

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

21 (1) Trafficking victims, while in the custody or
22 control of the Federal Government and to the extent
23 practicable, shall be housed in appropriate shelter as
24 quickly as possible; receive prompt medical care,
25 food, and other assistance; and be provided protec-

1 tion if a victim's safety is at risk or if there is dan-
2 ger of additional harm by recapture of the victim by
3 a trafficker.

4 (2) Federal law enforcement officials should
5 act, to ensure an alien individual's continued pres-
6 ence in the United States, if after an assessment, it
7 is determined that such individual is a victim of traf-
8 ficking or a material witness, in order to effectuate
9 prosecution of those responsible and to further the
10 humanitarian interests of the United States.

11 (3) Appropriate personnel of the Department of
12 State and the Department of Justice are trained in
13 identifying victims of trafficking and providing for
14 the protection of such victims. Training under this
15 paragraph should include methods for achieving
16 antitrafficking objectives through the nondiscrim-
17 inatory application of immigration and other related
18 laws.

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

22 (e) FUNDING.—Funds from asset forfeiture under
23 section 1592 of title 18, United States Code, are author-
24 ized to be available in equal amounts for the purposes of

1 subsections (a) and (b) and shall remain available for obli-
 2 gation until expended.

3 **SEC. 7. HUMANITARIAN/MATERIAL WITNESS NON-**
 4 **IMMIGRANT VISA.**

5 (a) ESTABLISHMENT OF A NEW NONIMMIGRANT
 6 CLASSIFICATION.—Section 101(a)(15) of the Immigration
 7 and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

8 (1) in subparagraph (R), by striking “or” at
 9 the end;

10 (2) in subparagraph (S), by striking the comma
 11 at the end and inserting “; or”; and

12 (3) by inserting after subparagraph (S) the fol-
 13 lowing:

14 “(T) subject to 214(n), an alien (and the alien
 15 spouse, children, and parents of the alien if accom-
 16 panying or following to join the alien) who the At-
 17 torney General determines—

18 “(i) possesses material information con-
 19 cerning criminal or other unlawful activity;

20 “(ii) is willing to supply or has supplied
 21 such information to Federal or State law en-
 22 forcement officials;

23 “(iii) would be helpful, were the alien to
 24 remain in the United States, to a properly au-
 25 thorized Federal or State investigation or pros-

1 ecution of the criminal or other unlawful activ-
2 ity; and

3 “(iv) has suffered significant physical or
4 mental abuse as a result of the criminal or
5 other unlawful activity.”.

6 (b) NUMERICAL LIMITATIONS; PERIOD OF ADMIS-
7 SIONS.—Section 214 of the Immigration and Nationality
8 Act (8 U.S.C. 1184) is amended—

9 (1) by redesignating the subsection (l) added by
10 section 625(a) of the Illegal Immigration Reform
11 and Immigrant Responsibility Act of 1996 (Public
12 Law 104–208; 110 Stat. 3009–1820) as subsection
13 (m); and

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

15 “(n)(1) The number of aliens who may be provided
16 a visa as nonimmigrants under section 101(a)(15)(T) in
17 any fiscal year may not exceed 1,000.

18 “(2) No alien may be admitted into the United States
19 as such a nonimmigrant more than 5 years after the date
20 of the enactment of this subsection.

21 “(3) The period of authorized admission of an alien
22 as such a nonimmigrant may not exceed 3 years. Such
23 period may not be extended by the Attorney General.

1 “(4) As a condition for admission, and continued stay
2 in lawful status of such a nonimmigrant, the
3 nonimmigrant—

4 “(A) may not be convicted of any criminal of-
5 fense punishable by a term of imprisonment of 1
6 year or more after the date of such admission;

7 “(B) must have executed a form that waives the
8 nonimmigrant’s right to contest, other than on the
9 basis of an application for withholding of removal,
10 any action for removal of the alien instituted before
11 the alien obtains lawful permanent resident status;
12 and

13 “(C) shall abide by any other condition, limita-
14 tion, or restriction imposed by the Attorney Gen-
15 eral.”.

16 (c) PROHIBITION OF CHANGE OF STATUS.—Section
17 248(1) of the Immigration and Nationality Act (8 U.S.C.
18 1258(1)) is amended by striking “or (S)” and inserting
19 “(S), or (T)”.

20 (d) ADJUSTMENT TO PERMANENT RESIDENT STA-
21 TUS.—Section 245 of the Immigration and Nationality
22 Act (8 U.S.C. 1255) is amended by adding at the end the
23 following:

24 “(l)(1) The Attorney General may adjust the status
25 of an alien admitted into the United States under section

1 101(a)(15)(T) (and the spouse, children, and parents of
 2 the alien if admitted under that section) to that of an alien
 3 lawfully admitted for permanent residence if—

4 “(A) in the opinion of the Attorney General, the
 5 alien’s continued presence in the United States is
 6 justified on humanitarian grounds or is otherwise in
 7 the national interest; and

8 “(B) the alien is not described in subparagraph
 9 (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section
 10 212(a)(3).

11 “(2) Upon the approval of adjustment of status under
 12 paragraph (1), the Attorney General shall record the
 13 alien’s lawful admission for permanent residence as of the
 14 date of such approval and the Secretary of State shall re-
 15 duce by one the number of visas authorized to be issued
 16 under sections 201(d) and 203(b)(4) for the fiscal year
 17 then current.”.

18 (e) EXCLUSIVE MEANS OF ADJUSTMENT.—Section
 19 245(c)(5) of the Immigration and Nationality Act (8
 20 U.S.C. 1255(c)(5)) is amended by striking “section
 21 101(a)(15)(S),” and inserting “subparagraph (S) or (T)
 22 of section 105(a)(15);”.

1 **SEC. 8. SANCTIONS AGAINST COUNTRIES INVOLVED IN**
2 **TRAFFICKING.**

3 (a) **AUTHORITY TO IMPOSE SANCTIONS.**—The Presi-
4 dent may impose any of the measures described in sub-
5 section (b) against any foreign country that has made lit-
6 tle or no progress on reducing trafficking, implementing
7 any necessary antitrafficking laws, enforcing
8 antitrafficking laws (including the prosecution of traf-
9 fickers), or protecting and assisting victims of trafficking.

10 (b) **SANCTIONS THAT MAY BE IMPOSED.**—The meas-
11 ures described in this subsection are the following:

12 (1) **FOREIGN ASSISTANCE.**—

13 (A) **IN GENERAL.**—Subject to subpara-
14 graph (B), the President may deny to the coun-
15 try assistance of any kind which is provided by
16 grant, sale, loan, lease, credit, guaranty, or in-
17 surance, or by any other means, by any agency
18 or instrumentality of the United States Govern-
19 ment.

20 (B) **EXCEPTION.**—Subparagraph (A) shall
21 not apply to assistance under the Foreign As-
22 sistance Act of 1961 (22 U.S.C. 2151 et seq.),
23 or any successor provision of law, or the Arms
24 Export Control Act (22 U.S.C. 2751 et seq.)
25 that is intended to benefit the people of that
26 country directly and that is not channeled

1 through governmental agencies or entities of
2 that country.

3 (2) MULTILATERAL DEVELOPMENT BANK AS-
4 SISTANCE.—

5 (A) IN GENERAL.—The President may in-
6 struct the United States Executive Director to
7 each international financial institution described
8 in subparagraph (B) to use the voice and vote
9 of the United States to oppose any loan or fi-
10 nancial or technical assistance to the country by
11 such international financial institution.

12 (B) INTERNATIONAL FINANCIAL INSTITU-
13 TIONS DESCRIBED.—The international financial
14 institutions described in this subparagraph are
15 the International Bank for Reconstruction and
16 Development, the International Development
17 Association, the International Finance Corpora-
18 tion, the Inter-American Development Bank,
19 the African Development Bank, the European
20 Bank for Reconstruction and Development, and
21 the International Monetary Fund.

22 (3) PROHIBITION OF ARMS SALES.—The Presi-
23 dent may prohibit the transfer of defense articles,
24 defense services, or design and construction services
25 under the Arms Export Control Act (22 U.S.C.

1 2751 et seq.), including defense articles and defense
2 services licensed or approved for export under sec-
3 tion 38 of that Act (22 U.S.C. 2778), to the country
4 or any national of the country.

5 (4) EXPORT RESTRICTIONS.—The President
6 may prohibit or otherwise substantially restrict ex-
7 ports to the country of goods, technology, and serv-
8 ices (excluding agricultural commodities and prod-
9 ucts otherwise subject to control) and may suspend
10 existing licenses for the transfer to that person of
11 items the export of which is controlled under the Ex-
12 port Administration Act of 1979 or the Export Ad-
13 ministration Regulations.

14 (5) ADDITIONAL MEASURES UNDER IEEPA.—

15 (A) AUTHORITY.—

16 (i) IN GENERAL.—The President may
17 exercise IEEPA authorities (other than au-
18 thorities relating to importation) without
19 regard to section 202 of the International
20 Emergency Economic Powers Act (50
21 U.S.C. 1701) in the case of any foreign
22 country that has made little or no progress
23 on reducing trafficking, implementing any
24 necessary antitrafficking laws (including
25 the prosecution of traffickers), or in the

1 case of a person that is on the list pub-
2 lished under subparagraph (B).

3 (ii) PENALTIES.—The penalties set
4 forth in section 206 of the International
5 Emergency Economic Powers Act (50
6 U.S.C. 1705) apply to violations of any li-
7 cense, order, or regulation issued under
8 this clause (i).

9 (iii) IEEPA AUTHORITIES.—For pur-
10 poses of clause (i), the term “IEEPA au-
11 thorities” means the authorities set forth
12 in section 203(a) of the International
13 Emergency Economic Powers Act (50
14 U.S.C. 1702(a)).

15 (B) SANCTIONS AGAINST PERSONS.—

16 (i) INITIAL DETERMINATION AND
17 PUBLICATION.—The Secretary of State
18 may make a determination of those per-
19 sons who are trafficking directly or indi-
20 rectly in the United States or any of its
21 territories and possessions and shall, if
22 such a determination is made, publish the
23 list of such persons in the Federal Reg-
24 ister.

1 (ii) REVISIONS TO LIST.—The Sec-
2 retary of State shall make additions or de-
3 letions to any list published under clause
4 (i) on an ongoing basis based on the latest
5 information available.

6 (iii) CONSULTATION.—The Secretary
7 of State shall consult with the following of-
8 ficers in carrying out clauses (i) and (ii):

9 (I) The Attorney General.

10 (II) The Director of Central In-
11 telligence.

12 (III) The Director of the Federal
13 Bureau of Investigation.

14 (IV) The Secretary of Labor.

15 (V) The Secretary of Health and
16 Human Services.

17 (c) REPORT TO CONGRESS.—Upon exercising the au-
18 thority of subsection (a), the President shall report to the
19 Congress on the measures applied and the reasons for the
20 application of the measures.

21 **SEC. 9. STRENGTHENING PROSECUTION AND PUNISHMENT**
22 **OF TRAFFICKERS.**

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

1 (1) in each of sections 1581(a), 1583, and
2 1584—

3 (A) by striking “10 years” and inserting
4 “20 years”

5 (B) by adding at the end the following:
6 “If, in addition to the foregoing elements, death
7 results from a violation of this section, or if
8 such violation includes kidnaping or an attempt
9 to kidnap, aggravated sexual abuse or the at-
10 tempt to commit aggravated sexual abuse, or an
11 attempt to kill, the defendant shall be fined
12 under this title or imprisoned for any term of
13 years or life, or both.”;

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

15 **“§ 1589. Trafficking and criminal exploitation of**
16 **workers**

17 “(a) Whoever—

18 “(1) recruits, harbors, provides, transports, em-
19 ploys, purchases, sells, or secures, by any means,
20 any person, knowing or having reason to know that
21 person is or will be subjected to involuntary ser-
22 vitude or peonage or to unlawfully exploitative labor
23 conditions as described in subsection (b) of this sec-
24 tion, shall be fined under this title or imprisoned not
25 more than 20 years, or both; and if, in addition to

1 the foregoing elements, death results from an act
2 committed in violation of this section, or if such act
3 includes kidnaping or an attempt to kidnap, aggra-
4 vated sexual abuse or the attempt to commit aggra-
5 vated sexual abuse, or an attempt to kill, shall be
6 fined under this title or imprisoned for any term of
7 years or life, or both; or

8 “(2) in any way, financially or otherwise, know-
9 ingly benefits from, or makes use of, the labor or
10 services of a person held to a condition of involun-
11 tary servitude or peonage, shall be fined under this
12 title or imprisoned not more than 10 years, or both.

13 “(b) As used in this section, the term ‘unlawfully ex-
14 ploitative labor conditions’ means that the labor or serv-
15 ices of a person are obtained or maintained through any
16 scheme or artifice to defraud, or by means of any plan
17 or pattern, including but not limited to false and fraudu-
18 lent pretenses and misrepresentations, such that the per-
19 son reasonably believes that he has no viable alternative
20 but to perform the labor or services.

21 “(c) This section does not apply to labor performed
22 as a punishment for a crime whereof the party shall have
23 been duly convicted.

1 **“§ 1590. unlawful possession of documents in further-**
2 **ance of trafficking, criminal worker ex-**
3 **ploitation, involuntary servitude, or pe-**
4 **onage**

5 “(a) Whoever destroys, conceals, removes, con-
6 fiscates, or possesses any identification, passport, or other
7 immigration documents, or any other documentation of
8 another person—

9 “(1) in the course of, or under circumstances
10 which facilitate—

11 “(A) a violation of section 1581, 1583,
12 1584, or 1589 or a conspiracy or attempt to
13 commit such a violation;

14 “(B) the unlawful entry or attempted un-
15 lawful entry of the person into the United
16 States;

17 “(2) to prevent or restrict, without lawful au-
18 thority, the person’s liberty to move or travel in
19 interstate or foreign commerce; or

20 “(3) to conceal or impair the investigation or
21 prosecution of a violation of Federal criminal law,
22 shall be fined under this title or imprisoned for not
23 more than 5 years, or both.

24 **“§ 1591. Mandatory restitution**

25 “(a) Notwithstanding sections 3663 or 3663A, and
26 in addition to any other civil or criminal penalties author-

1 ized by law, the court shall order restitution for any of-
2 fense under this chapter.

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

8 “(2) An order of restitution under this section
9 shall be issued and enforced in accordance with sec-
10 tion 3664 in the same manner as an order under
11 section 3663A.

12 “(3) As used in this subsection, the term ‘full
13 amount of the victim’s losses’ has the same meaning
14 as provided in section 2259(b)(3) and shall in addi-
15 tion include the greater of the gross income or value
16 to the defendant of the victim’s services or labor or
17 the value of the victim’s labor as guaranteed under
18 the minimum wage and overtime guarantees of the
19 Fair Labor Standards Act (29 U.S.C. 201, et seq.).

20 “(c) As used in this section, the term ‘victim’ means
21 the individual harmed as a result of a crime under this
22 chapter, including, in the case of a victim who is under
23 18 years of age, incompetent, incapacitated, or deceased,
24 the legal guardian of the victim or a representative of the
25 victim’s estate, or another family member, or any other

1 person appointed as suitable by the court, but in no event
2 shall the defendant be named such representative or
3 guardian.

4 **“§ 1592. General provisions**

5 “(a) In a prosecution under sections 1581, 1583,
6 1584, or 1589, a condition of involuntary servitude or pe-
7 onage may be established by proof that the defendant ob-
8 tained or maintained the labor or service of any person—

9 “(1) by the use, or threatened use, of force, vio-
10 lence, physical restraint, or physical injury, or by the
11 use or threatened use of coercion through law or the
12 legal process;

13 “(2) through representations made to any per-
14 son that physical harm may occur to that person, or
15 to another, in an effort to wrongfully obtain or
16 maintain the labor or services of that person; or

17 “(3) by the use of fraud, deceit, or misrepresen-
18 tation toward any person in an effort to wrongfully
19 obtain or maintain the labor or services of that per-
20 son, where the person is a minor, an immigrant, one
21 who is mentally disabled, or one who is otherwise
22 particularly susceptible to coercion.

23 “(b) An attempt to violate sections 1581, 1583, 1584,
24 or 1589 shall be punishable in the same manner as a com-
25 pleted violation of each of these sections, respectively.

1 “(c)(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 forfeit to
5 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 413 of the
18 Comprehensive Drug Abuse Prevention and Control Act
19 of 1970 (21 U.S.C. 853), except subsection (d) of that
20 section.

21 “(d)(1) The following shall be subject to forfeiture
22 to the United States and no property right shall exist in
23 them—

1 “(A) any property, real or personal, used or in-
 2 tended to be used to commit or to facilitate the com-
 3 mission of any violation of this chapter; and

4 “(B) any property, real or personal, which con-
 5 stitutes or is derived from proceeds traceable to any
 6 violation of this chapter.

7 “(2) The provisions of chapter 46 of this title relating
 8 to civil forfeitures shall extend to any seizure or civil for-
 9 feiture under this subsection.”; and

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

“ 1589. Trafficking and criminal exploitation of workers.

“ 1590. Unlawful possession of documents in furtherance of trafficking, criminal
 worker exploitation, involuntary servitude, or peonage.

“ 1591. Mandatory restitution.

“ 1592. General provisions.”.

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

15 (1) Pursuant to its authority under section 994
 16 of title 28, United States Code, and in accordance
 17 with this section, the United States Sentencing Com-
 18 mission shall review and, if appropriate, amend the
 19 sentencing guidelines and policy statements applica-
 20 ble to persons convicted of offenses involving the
 21 trafficking of persons including component or related
 22 crimes of peonage, involuntary servitude, slave trade
 23 offenses, coercive worker exploitation, and posses-

1 sion, transfer or sale of false immigration documents
2 to further exploitation of workers, and the Fair
3 Labor Standards Act and the Migrant and Seasonal
4 Agricultural Worker Protection Act.

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

7 (A) to ensure that these sentencing guide-
8 lines and policy statements applicable to the of-
9 fenses described in paragraph (1) of this sub-
10 section are sufficiently stringent to deter and
11 adequately reflect the heinous nature of such
12 offenses;

13 (B) consider conforming the sentencing
14 guidelines applicable to offenses involving work-
15 er exploitation to the guidelines applicable to
16 peonage, involuntary servitude, and slave trade
17 offenses; and

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

22 (i) involve a large number of victims;

23 (ii) involve a pattern of continued and
24 flagrant violations;

- 1 (iii) involve the use or threatened use
2 of a dangerous weapon; or
3 (iv) result in the death or bodily in-
4 jury of any person.

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

10 **SEC. 10. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
11 **PRACTICES.**

12 (a) IN GENERAL.—The Secretary of State, acting
13 through the Assistant Secretary of Democracy, Human
14 Rights and Labor, shall, as part of the annual Country
15 Reports on Human Rights Practices, include information
16 to address the status of international trafficking in per-
17 sons, including—

- 18 (1) a description of the nature and extent of
19 trafficking in persons in each country;
20 (2) a description and assessment of the efforts
21 of countries to combat trafficking through preven-
22 tion, prosecution, and enforcement against traf-
23 fickers, and to protect and assist trafficking victims;
24 and

1 (3) the role of official corruption in facilitating
2 trafficking of persons in each country.

3 (b) **ADDITIONAL REQUIREMENT.**—Information de-
4 scribed in subsection (a) shall be included in the annual
5 Country Reports on Human Rights Practices separately
6 on a country-by-country basis.

7 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) **AUTHORIZATION OF APPROPRIATIONS FOR THE**
9 **INTERAGENCY TASK FORCE.**—To carry out the purposes
10 of section 4, there are authorized to be appropriated to
11 the Secretary of State \$3,000,000 for fiscal year 2001 and
12 \$3,000,000 for fiscal year 2002.

13 (b) **AUTHORIZATION OF APPROPRIATIONS TO THE**
14 **SECRETARY OF HEALTH AND HUMAN SERVICES.**—To
15 carry out the purposes of section 6(b) there are authorized
16 to be appropriated to the Secretary of Health and Human
17 Services \$10,000,000 for fiscal year 2001 and
18 \$10,000,000 for fiscal year 2002.

19 (c) **AUTHORIZATION OF APPROPRIATIONS TO THE**
20 **SECRETARY OF STATE.**—To carry out the purposes of sec-
21 tion 6(a) there are authorized to be appropriated to the
22 Secretary of State \$10,000,000 for fiscal year 2001 and
23 \$10,000,000 for fiscal year 2002.

24 (d) **AUTHORIZATION OF APPROPRIATIONS TO ATTOR-**
25 **NEY GENERAL.**—To carry out the purposes of section 6(b)

1 there are authorized to be appropriated to the Attorney
2 General \$10,000,000 for fiscal year 2001 and
3 \$10,000,000 for fiscal year 2002.

4 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-
5 DENT.—To carry out the purposes of Section 5 there are
6 authorized to be appropriated to the President
7 \$10,000,000 for fiscal year 2001 and \$10,000,000 for fis-
8 cal year 2002.

9 (f) AUTHORIZATION OF APPROPRIATIONS TO THE
10 SECRETARY OF LABOR.—To carry out the purposes of
11 section 6(b) there are authorized to be appropriated to the
12 Secretary of Labor \$10,000,000 for fiscal year 2001 and
13 \$10,000,000 for fiscal year 2002.

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