

108TH CONGRESS  
1ST SESSION

# S. 1830

To authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2003

Mr. BROWNBACK introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes.

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.**

4        This Act may be cited as the “Paul and Sheila  
5        Wellstone Trafficking Victims Reauthorization Act”.

6        **SEC. 2. FINDINGS.**

7        Congress finds the following:

8                (1) Trafficking in persons continues to victimize  
9        countless men, women, and children in the United  
10       States and abroad.

1           (2) Since the enactment of the Trafficking Vic-  
2           tims Protection Act of 2000 (22 U.S.C. 7101 et  
3           seq.), the United States Government has made sig-  
4           nificant progress in investigating and prosecuting  
5           acts of trafficking and in responding to the needs of  
6           victims of trafficking in the United States and  
7           abroad.

8           (3) On the other hand, victims of trafficking  
9           have faced unintended obstacles in the process of se-  
10          curing needed assistance, including admission to the  
11          United States under section 101(a)(15)(T)(i) of the  
12          Immigration and Nationality Act.

13          (4) Additional research is needed to fully under-  
14          stand the phenomenon of trafficking in persons and  
15          to determine the most effective strategies for com-  
16          bating trafficking in persons.

17          (5) Corruption among foreign law enforcement  
18          authorities continues to undermine the efforts by  
19          governments to investigate, prosecute, and convict  
20          traffickers.

21          (6) International Law Enforcement Academies  
22          should be more fully utilized in the effort to train  
23          law enforcement authorities, prosecutors, and mem-  
24          bers of the judiciary to address trafficking in per-  
25          sons-related crimes.

1 **SEC. 3. ENHANCING PREVENTION OF TRAFFICKING IN PER-**  
2 **SONS.**

3 (a) BORDER INTERDICTION, PUBLIC INFORMATION  
4 PROGRAMS, AND COMBATING INTERNATIONAL SEX TOUR-  
5 ISM.—Section 106 of the Trafficking Victims Protection  
6 Act of 2000 (22 U.S.C. 7104) is amended—

7 (1) by redesignating subsection (c) as sub-  
8 section (f);

9 (2) by inserting after subsection (b) the fol-  
10 lowing new subsections:

11 “(c) BORDER INTERDICTION.—The President shall  
12 establish and carry out programs of border interdiction  
13 outside the United States. Such programs shall include  
14 providing grants to foreign nongovernmental organizations  
15 that provide for transit shelters operating at key border  
16 crossings and that help train survivors of trafficking in  
17 persons to educate and train border guards and officials,  
18 and other local law enforcement officials, to identify traf-  
19 fickers and victims of severe forms of trafficking, and the  
20 appropriate manner in which to treat such victims. Such  
21 programs shall also include, to the extent appropriate,  
22 monitoring by such survivors of trafficking in persons of  
23 the implementation of border interdiction programs, in-  
24 cluding helping in the identification of such victims to stop  
25 the cross-border transit of victims. The President shall en-  
26 sure that any program established under this subsection

1 provides the opportunity for any trafficking victim who is  
2 freed to return to his or her previous residence if the vic-  
3 tim so chooses.

4 “(d) INTERNATIONAL MEDIA.—The President shall  
5 establish and carry out programs that support the produc-  
6 tion of television and radio programs, including documen-  
7 taries, to inform vulnerable populations overseas of the  
8 dangers of trafficking, and to increase awareness of the  
9 public in countries of destination regarding the slave-like  
10 practices and other human rights abuses involved in traf-  
11 ficking, including fostering linkages between individuals  
12 working in the media in different countries to determine  
13 the best methods for informing such populations through  
14 such media.

15 “(e) COMBATING INTERNATIONAL SEX TOURISM.—

16 “(1) DEVELOPMENT AND DISSEMINATION OF  
17 MATERIALS.—The President, pursuant to such regu-  
18 lations as may be prescribed, shall ensure that mate-  
19 rials are developed and disseminated to alert trav-  
20 elers that sex tourism (as described in subsections  
21 (b) through (f) of section 2423 of title 18, United  
22 States Code) is illegal, will be prosecuted, and pre-  
23 sents dangers to those involved. Such materials  
24 shall, at a minimum, be disseminated to individuals  
25 traveling from major United States airports to for-

1       eign destinations where the President determines  
2       that sex tourism is significant.

3               “(2) MONITORING OF COMPLIANCE.—The  
4       President shall monitor compliance with the require-  
5       ments of paragraph (1).

6               “(3) FEASIBILITY REPORT.—Not later than  
7       180 days after the date of the enactment of the Paul  
8       and Sheila Wellstone Trafficking Victims Reauthor-  
9       ization Act, the President shall transmit to the Com-  
10       mittee on International Relations of the House of  
11       Representatives and the Committee on Foreign Re-  
12       lations of the Senate a report that describes the fea-  
13       sibility of such materials being disseminated by air-  
14       lines organized under the laws of the United States,  
15       other airlines operating in the United States, and  
16       commercial travel agencies to such travelers. Such  
17       report shall include an assessment of the most useful  
18       and practical means for airlines and travel agencies  
19       to provide this information, including brochures,  
20       public service announcements, in-flight videos, and  
21       billboards.”; and

22               (3) in subsection (f) (as redesignated by para-  
23       graph (1)), by striking “initiatives described in sub-  
24       sections (a) and (b)” and inserting “initiatives and  
25       programs described in subsections (a) through (e)”.

1 (b) TERMINATION OF CERTAIN GRANTS, CONTRACTS  
2 AND COOPERATIVE AGREEMENTS.—Section 106 of such  
3 Act (as amended by subsection (a)) is further amended  
4 by adding at the end the following new subsection:

5 “(g) TERMINATION OF CERTAIN GRANTS, CON-  
6 TRACTS AND COOPERATIVE AGREEMENTS.—

7 “(1) TERMINATION.—The President shall en-  
8 sure that any grant, contract, or cooperative agree-  
9 ment provided or entered into by a Federal depart-  
10 ment or agency under which funds described in  
11 paragraph (2) are to be provided to a private entity,  
12 in whole or in part, shall include a condition that au-  
13 thorizes the department or agency to terminate the  
14 grant, contract, or cooperative agreement, without  
15 penalty, if the grantee or any subgrantee, or the  
16 contractor or any subcontractor—

17 “(A) engages in severe forms of trafficking  
18 in persons or has procured a commercial sex act  
19 during the period of time that the grant, con-  
20 tract, or cooperative agreement is in effect; or

21 “(B) uses forced labor in the performance  
22 of the grant, contract, or cooperative agree-  
23 ment.

24 “(2) ASSISTANCE DESCRIBED.—Funds referred  
25 to in paragraph (1) are funds made available to

1 carry out any program, project, or activity abroad  
2 funded under major functional budget category 150  
3 (relating to international affairs).”.

4 **SEC. 4. ENHANCING PROTECTION FOR TRAFFICKING VIC-**  
5 **TIMS.**

6 (a) AMENDMENTS TO TRAFFICKING VICTIMS PRO-  
7 TECTION ACT OF 2000.—

8 (1) COOPERATION BETWEEN FOREIGN GOVERN-  
9 MENTS AND NONGOVERNMENTAL ORGANIZATIONS.—

10 Section 107(a)(1)(B) of the Trafficking Victims Pro-  
11 tection Act of 2000 (22 U.S.C. 7105(a)(1)(B)) is  
12 amended by adding at the end before the period the  
13 following: “, and by facilitating contact between rel-  
14 evant foreign government agencies and such non-  
15 governmental organizations to facilitate cooperation  
16 between the foreign governments and such organiza-  
17 tions”.

18 (2) ASSISTANCE FOR FAMILY MEMBERS OF VIC-  
19 TIMS OF TRAFFICKING IN UNITED STATES.—Section  
20 107(b)(1) of the Trafficking Victims Protection Act  
21 of 2000 (22 U.S.C. 7105(b)(1)) is amended—

22 (A) in subparagraph (A), by inserting “, or  
23 an alien classified as a nonimmigrant under  
24 section 101(a)(15)(T)(ii),” after “in persons”;  
25 and

1 (B) in subparagraph (B)—

2 (i) by inserting “and aliens classified  
3 as a nonimmigrant under section  
4 101(a)(15)(T)(ii),” after “United States,”;  
5 and

6 (ii) by adding at the end the following  
7 new sentence: “In the case of nonentitle-  
8 ment programs funded by the Secretary of  
9 Health and Human Services, such benefits  
10 and services may include services to assist  
11 potential victims of trafficking in achieving  
12 certification and to assist minor dependent  
13 children of victims of severe forms of traf-  
14 ficking in persons or potential victims of  
15 trafficking.”.

16 (3) CERTIFICATION OF VICTIMS OF A SEVERE  
17 FORM OF TRAFFICKING IN PERSONS.—Section  
18 107(b)(1)(E)) of the Trafficking Victims Protection  
19 Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended  
20 by adding at the end the following new clause:

21 “(iv) ASSISTANCE TO INVESTIGA-  
22 TIONS.—In making the certification de-  
23 scribed in this subparagraph with respect  
24 to the assistance to investigation or pros-  
25 ecution described in clause (i)(I), the Sec-

1           retary of Health and Human Services shall  
2           consider statements from State and local  
3           law enforcement officials that the victim  
4           has been willing to assist in every reason-  
5           able way with respect to the investigation  
6           and prosecution of State and local crimes  
7           such as kidnapping, rape, slavery, or other  
8           forced labor offenses, where severe forms  
9           of trafficking appear to have been in-  
10          volved.”.

11           (4) PRIVATE RIGHT OF ACTION.—

12           (A) IN GENERAL.—Chapter 77 of part I of  
13          title 18, United States Code, is amended by  
14          adding at the end the following new section:

15   **“§ 1595. Civil remedy**

16          “(a) An individual who is a victim of a violation of  
17          section 1589, 1590, or 1591 of this chapter may bring  
18          a civil action against the perpetrator in an appropriate dis-  
19          trict court of the United States and may recover damages  
20          and reasonable attorneys fees.

21          “(b)(1) Any civil action filed under this section shall  
22          be stayed during the pendency of any criminal action aris-  
23          ing out of the same occurrence in which the claimant is  
24          the victim.

1 “(2) In this subsection, a ‘criminal action’ includes  
2 investigation and prosecution and is pending until final  
3 adjudication in the trial court.”.

4 (B) CONFORMING AMENDMENT.—The  
5 table of contents of chapter 77 of part I of title  
6 18, United States Code, is amended by adding  
7 at the end the following new item:

“1595. Civil remedy.”.

8 (b) AMENDMENTS TO IMMIGRATION AND NATION-  
9 ALITY ACT.—

10 (1) NONIMMIGRANT ALIEN CLASSES.—Section  
11 101(a)(15)(T) of the Immigration and Nationality  
12 Act (8 U.S.C. 1101(a)(15)(T)) is amended—

13 (A) in clause (i)(III)(bb), by striking “15  
14 years of age,” and inserting “18 years of age,”;  
15 and

16 (B) in clause (ii)(I), by inserting “unmar-  
17 ried siblings under 18 years of age on the date  
18 on which such alien applied for status under  
19 such clause,” before “and parents”.

20 (2) ADMISSION OF NONIMMIGRANTS.—Section  
21 214(n) of the Immigration and Nationality Act (8  
22 U.S.C. 1184(n)) is amended—

23 (A) in paragraph (3), by inserting “sib-  
24 lings,” before “or parents”; and

25 (B) by adding at the end the following:

1       “(4) An unmarried alien who seeks to accompany, or  
2 follow to join, a parent granted status under section  
3 101(a)(15)(T)(i), and who was under 21 years of age on  
4 the date on which such parent applied for such status,  
5 shall continue to be classified as a child for purposes of  
6 section 101(a)(15)(T)(ii), if the alien attains 21 years of  
7 age after such parent’s application was filed but while it  
8 was pending.

9       “(5) An alien described in clause (i) of section  
10 101(a)(15)(T) shall continue to be treated as an alien de-  
11 scribed in clause (ii)(I) of such section if the alien attains  
12 21 years of age after the alien’s application for status  
13 under such clause (i) is filed but while it is pending.

14       “(6) In making a determination under section  
15 101(a)(15)(T)(i)(III)(aa) with respect to an alien, state-  
16 ments from State and local law enforcement officials that  
17 the alien has complied with any reasonable request for as-  
18 sistance in the investigation or prosecution of crimes such  
19 as kidnapping, rape, slavery, or other forced labor of-  
20 fenses, where severe forms of trafficking in persons (as  
21 defined in section 103 of the Trafficking Victims Protec-  
22 tion Act of 2000) appear to have been involved, shall be  
23 considered.”.

24               (3) ADJUSTMENT OF STATUS.—Section 245(l)  
25       of the Immigration and Nationality Act (8 U.S.C.

1 1255(l)) (as added by section 107(f) of Public Law  
2 106–386) is amended—

3 (A) in paragraph (1)—

4 (i) by striking “admitted under that  
5 section” and inserting “admitted under  
6 section 101(a)(15)(T)(ii)”;

7 (ii) by inserting “sibling,” after “par-  
8 ent,”; and

9 (B) in paragraph (3)(B), by inserting “sib-  
10 lings,” after “daughters,”.

11 (4) EXEMPTION FROM PUBLIC CHARGE GROUND  
12 FOR INADMISSIBILITY.—Section 212(d)(13) of the  
13 Immigration and Nationality Act (8 U.S.C.  
14 1182(d)(13)), as added by section 107(e)(3) of the  
15 Trafficking Victims Protection Act of 2000 (22  
16 U.S.C. 7105(e)(3)), is amended—

17 (A) in subparagraph (A), by striking the  
18 period at the end and adding the following:

19 “, except that the ground for inadmissibility described in  
20 subsection (a)(4) shall not apply with respect to such a  
21 nonimmigrant.”; and

22 (B) in subparagraph (B)—

23 (i) by amending clause (i) to read as  
24 follows:

25 “(i) subsection (a)(1); and”; and

1 (ii) in clause (ii)—  
2 (I) by striking “such subsection”  
3 and inserting “subsection (a)”; and  
4 (II) by inserting “(4),” after  
5 “(3),”.

6 (5) AGGRAVATED FELONY DEFINED.—Section  
7 101(a)(43)(K)(iii) of the Immigration and Nation-  
8 ality Act (8 U.S.C. 1101(a)(43)(K)(iii)) is amended  
9 to read as follows:

10 “(iii) is described in any of sections  
11 1581–1585 or 1588–1591 of title 18,  
12 United States Code (relating to peonage,  
13 slavery, involuntary servitude, and traf-  
14 ficking in persons);”.

15 **SEC. 5. ENHANCING PROSECUTIONS OF TRAFFICKERS.**

16 (a) SEX TRAFFICKING OF CHILDREN OR BY FORCE,  
17 FRAUD, OR COERCION.—Section 1591 of title 18, United  
18 States Code, is amended—

19 (1) in the heading, by inserting a comma after  
20 “**FRAUD**”;

21 (2) in subsection (a)(1), by striking “in or af-  
22 fecting interstate commerce” and inserting “in or af-  
23 fecting interstate or foreign commerce, or within the  
24 special maritime and territorial jurisdiction of the  
25 United States”; and

1           (3) in subsection (b), by striking “the person  
2 transported” each place it appears and inserting  
3 “the person recruited, enticed, harbored, trans-  
4 ported, provided, or obtained”.

5           (b) DEFINITION OF RACKETEERING ACTIVITY.—Sec-  
6 tion 1961(1)(A) of title 18, United States Code is amend-  
7 ed by striking “sections 1581–1588 (relating to peonage  
8 and slavery)” and inserting “sections 1581–1591 (relating  
9 to peonage, slavery, and trafficking in persons).”.

10          (c) CONFORMING AMENDMENTS.—(1) The heading  
11 for chapter 77 of part I of title 18, United States Code,  
12 is amended to read as follows:

13       **“CHAPTER 77—PEONAGE, SLAVERY, AND**  
14               **TRAFFICKING IN PERSONS”.**

15          (2) The table of contents for part I of title 18, United  
16 States Code, is amended in the item relating to chapter  
17 77 to read as follows:

**“77. Peonage, slavery, and trafficking in persons ..... 1581**

18       **SEC. 6. ENHANCING UNITED STATES EFFORTS TO COMBAT**  
19               **TRAFFICKING.**

20          (a) REPORT.—

21               (1) IN GENERAL.—Section 105(d) of the Traf-  
22 ficking Victims Protection Act of 2000 (22 U.S.C.  
23 7103(d)) is amended by adding at the end the fol-  
24 lowing new paragraph:

1           “(7) Not later than May 1, 2004, and annually  
2 thereafter, submit to the Committee on Ways and  
3 Means, the Committee on International Relations,  
4 and the Committee on the Judiciary of the House of  
5 Representatives and the Committee on Finance, the  
6 Committee on Foreign Relations, and the Committee  
7 on the Judiciary of the Senate, a report on Federal  
8 agencies that are implementing any provision of this  
9 division, or any amendment made by this division,  
10 which shall include, at a minimum, information on—

11                   “(A) the number of persons who received  
12 benefits or other services under section 107(b)  
13 in connection with programs or activities fund-  
14 ed or administered by the Secretary of Health  
15 and Human Services, the Secretary of Labor,  
16 the Board of Directors of the Legal Services  
17 Corporation, and other appropriate Federal  
18 agencies during the preceding fiscal year;

19                   “(B) the number of persons who have been  
20 granted continued presence in the United  
21 States under section 107(c)(3) during the pre-  
22 ceding fiscal year;

23                   “(C) the number of persons who have ap-  
24 plied for, been granted, or been denied a visa or  
25 otherwise provided status under section

1           101(a)(15)(T)(i) of the Immigration and Na-  
2           tionality Act (8 U.S.C. 1101(a)(15)(T)(i)) dur-  
3           ing the preceding fiscal year;

4           “(D) the number of persons who have been  
5           charged or convicted under one or more of sec-  
6           tions 1581, 1583, 1584, 1589, 1590, 1591,  
7           1592, or 1594 of title 18, United States Code,  
8           during the preceding fiscal year and the sen-  
9           tences imposed against each such person;

10          “(E) the amount, recipient, and purpose of  
11          each grant issued by any Federal agency to  
12          carry out the purposes of sections 106 and 107  
13          of this Act, or section 134 of the Foreign As-  
14          sistance Act of 1961, during the preceding fis-  
15          cal year;

16          “(F) the nature of training conducted pur-  
17          suant to section 107(c)(4) during the preceding  
18          fiscal year; and

19          “(G) the activities undertaken by the Sen-  
20          ior Policy Operating Group to carry out its re-  
21          sponsibilities under section 105(f) of this divi-  
22          sion.”.

23          (2) CONFORMING AMENDMENT.—Section  
24          107(b)(1) of the Trafficking Victims Protection Act  
25          of 2000 (22 U.S.C. 7105(b)(1)) (as amended by sec-

1 tion 4(a)(2)) is further amended by striking sub-  
2 paragraph (D).

3 (b) SUPPORT FOR THE TASK FORCE.—

4 (1) AMENDMENT.—The second sentence of sec-  
5 tion 105(e) of the Trafficking Victims Protection  
6 Act of 2000 (22 U.S.C. 7103(e)) is amended by in-  
7 serting at the end before the period the following: “,  
8 who shall be appointed by the President, by and  
9 with the advice and consent of the Senate, with the  
10 rank of Ambassador-at-Large”.

11 (2) APPLICABILITY.—The individual who holds  
12 the position of Director of the Office to Monitor and  
13 Combat Trafficking of the Department of State may  
14 continue to hold such position notwithstanding the  
15 amendment made by paragraph (1).

16 (c) SENIOR POLICY OPERATING GROUP.—

17 (1) AMENDMENT.—Section 105 of the Traf-  
18 ficking Victims Protection Act of 2000 (22 U.S.C.  
19 7103) (as amended by subsection (b)(1)) is further  
20 amended by adding at the end the following new  
21 subsection:

22 “(f) SENIOR POLICY OPERATING GROUP.—

23 “(1) ESTABLISHMENT.—There shall be estab-  
24 lished within the executive branch a Senior Policy  
25 Operating Group.

1           “(2) MEMBERSHIP; RELATED MATTERS.—

2                   “(A) IN GENERAL.—The Operating Group  
3 shall consist of the senior officials designated as  
4 representatives of the appointed members of the  
5 Task Force (pursuant to Executive Order  
6 13257 of February 13, 2002).

7                   “(B) CHAIRPERSON.—The Operating  
8 Group shall be chaired by the Director of the  
9 Office to Monitor and Combat Trafficking of  
10 the Department of State.

11                   “(C) MEETINGS.—The Operating Group  
12 shall meet on a regular basis at the call of the  
13 Chairperson.

14           “(3) DUTIES.—The Operating Group shall co-  
15 ordinate activities of Federal departments and agen-  
16 cies regarding policies (including grants and grant  
17 policies) involving the international trafficking in  
18 persons and the implementation of this division.

19                   “(4) AVAILABILITY OF INFORMATION.—Each  
20 Federal department or agency represented on the  
21 Operating Group shall fully share all information  
22 with such Group regarding the department or agen-  
23 cy’s plans, before and after final agency decisions  
24 are made, on all matters relating to grants, grant  
25 policies, and other significant actions regarding the

1 international trafficking in persons and the imple-  
2 mentation of this division.

3 “(5) REGULATIONS.—Not later than 90 days  
4 after the date of the enactment of the Paul and  
5 Sheila Wellstone Trafficking Victims Reauthoriza-  
6 tion Act, the President shall promulgate regulations  
7 to implement this section, including regulations to  
8 carry out paragraph (4).”.

9 (2) CONFORMING AMENDMENT.—Section 406  
10 of the Department of State and Related Agency Ap-  
11 propriations Act, 2003 (as contained in title IV of  
12 division B of Public Law 108–7; 22 U.S.C. 7103  
13 note) is hereby repealed.

14 (d) MINIMUM STANDARDS FOR THE ELIMINATION OF  
15 TRAFFICKING.—Section 108(b) of the Trafficking Victims  
16 Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “that take place wholly or  
19 partly within the territory of the country” and  
20 inserting “, and convicts and sentences persons  
21 responsible for such acts, that take place wholly  
22 or partly within the territory of the country”;  
23 and

24 (B) by adding at the end the following new  
25 sentences: “After reasonable requests from the

1 Department of State for data regarding inves-  
2 tigation, prosecutions, convictions, and sen-  
3 tences, a government which does not provide  
4 such data, consistent with the capacity of such  
5 government to obtain such data, shall be pre-  
6 sumed not to have vigorously investigated, pros-  
7 ecuted, convicted or sentenced such acts. Dur-  
8 ing the periods prior to the annual report sub-  
9 mitted on June 1, 2004, and on June 1, 2005,  
10 and the periods afterwards until September 30  
11 of each such year, the Secretary of State may  
12 disregard the presumption contained in the pre-  
13 ceding sentence if the government has provided  
14 some data to the Department of State regard-  
15 ing such acts and the Secretary has determined  
16 that the government is making a good faith ef-  
17 fort to collect such data.”;

18 (2) in paragraph (7)—

19 (A) by striking “and prosecutes” and in-  
20 serting “, prosecutes, convicts, and sentences”;  
21 and

22 (B) by adding at the end the following new  
23 sentence: “After reasonable requests from the  
24 Department of State for data regarding such  
25 investigations, prosecutions, convictions, and

1 sentences, a government which does not provide  
2 such data consistent with its resources shall be  
3 presumed not to have vigorously investigated,  
4 prosecuted, convicted, or sentenced such acts.  
5 During the periods prior to the annual report  
6 submitted on June 1, 2004, and on June 1,  
7 2005, and the periods afterwards until Sep-  
8 tember 30 of each such year, the Secretary of  
9 State may disregard the presumption contained  
10 in the preceding sentence if the government has  
11 provided some data to the Department of State  
12 regarding such acts and the Secretary has de-  
13 termined that the government is making a good  
14 faith effort to collect such data.”.

15 (3) by adding the following new paragraphs at  
16 the end:

17 “(8) Whether the percentage of victims of se-  
18 vere forms of trafficking in the country that are  
19 non-citizens of such countries is insignificant.

20 “(9) Whether the government of the country,  
21 consistent with the capacity of such government,  
22 systematically monitors its efforts to satisfy the cri-  
23 teria described in paragraphs (1) through (8) and  
24 makes available publicly a periodic assessment of  
25 such efforts.

1           “(10) Whether the government of the country  
2 achieves appreciable progress in eliminating severe  
3 forms of trafficking when compared to the assess-  
4 ment in the previous year.”.

5           (e) SPECIAL WATCH LIST.—Section 110(b) of the  
6 Trafficking Victims Protection Act of 2000 (22 U.S.C.  
7 7107(b)) is amended—

8           (1) by redesignating paragraph (3) as para-  
9 graph (4); and

10           (2) by inserting after paragraph (2) the fol-  
11 lowing new paragraph:

12           “(3) SPECIAL WATCH LIST.—

13           “(A) SUBMISSION OF LIST.—Not later  
14 than the date on which the determinations de-  
15 scribed in subsections (c) and (d) are submitted  
16 to the appropriate congressional committees in  
17 accordance with such subsections, the Secretary  
18 of State shall submit to the appropriate con-  
19 gressional committees a list of countries that  
20 the Secretary determines requires special scru-  
21 tiny during the following year. The list shall be  
22 composed of the following countries:

23           “(i) Countries that have been listed  
24 pursuant to paragraph (1)(A) in the cur-  
25 rent annual report and were listed pursu-

1 ant to paragraph (1)(B) in the previous  
2 annual report.

3 “(ii) Countries that have been listed  
4 pursuant to paragraph (1)(B) pursuant to  
5 the current annual report and were listed  
6 pursuant to paragraph (1)(C) in the pre-  
7 vious annual report.

8 “(iii) Countries that have been listed  
9 pursuant to paragraph (1)(B) pursuant to  
10 the current annual report, where—

11 “(I) the absolute number of vic-  
12 tims of severe forms of trafficking is  
13 very significant or is significantly in-  
14 creasing;

15 “(II) there is a failure to provide  
16 evidence of increasing efforts to com-  
17 bat severe forms of trafficking in per-  
18 sons from the previous year, including  
19 increased investigations, prosecutions  
20 and convictions of trafficking crimes,  
21 increased assistance to victims, and  
22 decreasing evidence of complicity in  
23 severe forms of trafficking by govern-  
24 ment officials; or

1                   “(III) the determination that a  
2                   country is making significant efforts  
3                   to bring themselves into compliance  
4                   with minimum standards was based  
5                   on commitments by the country to  
6                   take additional future steps over the  
7                   next year.

8                   “(B) INTERIM ASSESSMENT.—Not later  
9                   than February 1st of each year, the Secretary  
10                  of State shall provide to the appropriate con-  
11                  gressional committees an assessment of the  
12                  progress that each country on the special watch  
13                  list described in subparagraph (A) has made  
14                  since the last annual report.

15                  “(C) RELATION OF SPECIAL WATCH LIST  
16                  TO ANNUAL TRAFFICKING IN PERSONS RE-  
17                  PORT.—A determination that a country shall  
18                  not be placed on the special watch list described  
19                  in subparagraph (A) shall not affect in any way  
20                  the determination to be made in the following  
21                  year as to whether a country is complying with  
22                  the minimum standards for the elimination of  
23                  trafficking or whether a country is making sig-  
24                  nificant efforts to bring itself into compliance  
25                  with such standards.”.

1 (f) ENHANCING UNITED STATES ASSISTANCE.—Sec-  
2 tion 134(b) of the Foreign Assistance Act of 1961 (22  
3 U.S.C. 2152d(b)) is amended by adding at the end the  
4 following new sentence: “Assistance may be provided  
5 under this section notwithstanding section 660 of this  
6 Act.”.

7 (g) RESEARCH RELATING TO TRAFFICKING IN PER-  
8 SONS.—

9 (1) IN GENERAL.—The Trafficking Victims  
10 Protection Act of 2000 (22 U.S.C. 7101 et seq.) is  
11 amended by inserting after section 112 the following  
12 new section:

13 **“SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL**  
14 **TRAFFICKING IN PERSONS.**

15 “The President, acting through the Council of Eco-  
16 nomic Advisors, the National Research Council of the Na-  
17 tional Academies, the Secretary of Labor, the Secretary  
18 of Health and Human Services, the Attorney General, the  
19 Secretary of State, the Administrator of the United States  
20 Agency for International Development, and the Director  
21 of Central Intelligence, shall carry out research, including  
22 by providing grants to nongovernmental organizations, as  
23 well as relevant United States Government agencies and  
24 international organizations, which furthers the purposes  
25 of this division and provides data to address the problems

1 identified in the findings of this division. Such research  
2 initiatives shall, to the maximum extent practicable, in-  
3 clude, but not be limited to, the following:

4           “(1) The economic causes and consequences of  
5 trafficking in persons.

6           “(2) The effectiveness of programs and initia-  
7 tives funded or administered by Federal agencies to  
8 prevent trafficking in persons and to protect and as-  
9 sist victims of trafficking.

10           “(3) The interrelationship between trafficking  
11 in persons and global health risks.”.

12           (2) CONFORMING AMENDMENT.—The table of  
13 contents of the Victims of Trafficking and Violence  
14 Protection Act of 2000 (Public Law 106–386; 114  
15 Stat. 1464) is amended by inserting after the item  
16 relating to section 112 the following new item:

“Sec. 112A. Research on domestic and international trafficking in persons.”.

17           (h) SANCTIONS AND WAIVERS.—Section 110(d) of  
18 the Trafficking Victims Protection Act of 2000 (22 U.S.C.  
19 7107(d)) is amended—

20           (1) in paragraph (4), by inserting after “non-  
21 humanitarian, nontrade-related foreign assistance”  
22 the following: “or funding for participation in edu-  
23 cational and cultural exchange programs”; and

24           (2) in paragraph (5)(A)(i), by inserting after  
25 “foreign assistance” the following: “or funding for

1 participation in educational and cultural exchange  
2 programs”.

3 (i) **SUBSEQUENT WAIVER AUTHORITY.**—Section 110  
4 of the Trafficking Victims Protection Act of 2000 (22  
5 U.S.C. 7107) (as amended by subsections (e) and (h)) is  
6 further amended by adding at the end the following new  
7 subsection:

8 “(f) After the President has made a determination  
9 described in subsection (d)(1) with respect to the govern-  
10 ment of a country, the President may at any time make  
11 a determination described in paragraphs (4) and (5) of  
12 subsection (d) to waive, in whole or in part, the measures  
13 imposed against the country by the previous determination  
14 under subsection (d)(1).”.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED**  
16 **MATTERS.**

17 Section 113 of the Trafficking Victims Protection Act  
18 of 2000 (22 U.S.C. 7110) is amended—

19 (1) in subsection (a)—

20 (A) by striking “105” and inserting  
21 “105(e), 105(f)”; and

22 (B) by striking “and \$3,000,000 for each  
23 of the fiscal years 2002 and 2003” and insert-  
24 ing “, \$3,000,000 for each of the fiscal years

1           2002 and 2003, and \$5,000,000 for each of the  
2           fiscal years 2004 and 2005”;

3           (2) in subsection (b), by adding at the end be-  
4           fore the period the following: “and \$15,000,000 for  
5           each of the fiscal years 2004 and 2005”;

6           (3) in subsection (c)—

7                   (A) by amending paragraph (1) to read as  
8           follows:

9                   “(1) BILATERAL ASSISTANCE TO COMBAT TRAF-  
10          FICKING.—

11                   “(A) PREVENTION.—To carry out the pur-  
12                   poses of section 106, there are authorized to be  
13                   appropriated to the Secretary of State  
14                   \$10,000,000 for each of the fiscal years 2004  
15                   and 2005.

16                   “(B) PROTECTION.—To carry out the pur-  
17                   poses of section 107(a), there are authorized to  
18                   be appropriated to the Secretary of State  
19                   \$15,000,000 for fiscal year 2003 and  
20                   \$10,000,000 for each of the fiscal years 2004  
21                   and 2005.

22                   “(C) PROSECUTION AND MEETING MIN-  
23                   IMUM STANDARDS.—To carry out the purposes  
24                   of section 134 of the Foreign Assistance Act of  
25                   1961, there are authorized to be appropriated

1           \$10,000,000 for each of the fiscal years 2004  
2           and 2005 to assist in promoting prosecution of  
3           traffickers and otherwise to assist countries in  
4           meeting the minimum standards described in  
5           section 108 of this Act, including \$250,000 for  
6           each such fiscal year to carry out training ac-  
7           tivities for law enforcement officers, prosecu-  
8           tors, and members of the judiciary with respect  
9           to trafficking in persons at the International  
10          Law Enforcement Academies.”; and

11                 (B) in paragraph (2), by striking “for each  
12                 of the fiscal years 2001, 2002, and 2003” and  
13                 inserting “for each of the fiscal years 2001  
14                 through 2005”;

15                 (4) in subsection (d) by striking the period at  
16                 the end and inserting “and \$15,000,000 for each of  
17                 the fiscal years 2004 and 2005. To carry out the  
18                 purposes of section 134 of the Foreign Assistance  
19                 Act of 1961 (as added by section 109), there are au-  
20                 thorized to be appropriated to the President, acting  
21                 through the Attorney General and the Secretary of  
22                 State, \$250,000 for each of fiscal years 2004 and  
23                 2005 to carry out training activities for law enforce-  
24                 ment officers, prosecutors, and members of the judi-

1 ciary with respect to trafficking in persons at the  
2 International Law Enforcement Academies.”;

3 (5) in subsection (e)—

4 (A) in paragraphs (1) and (2), by striking  
5 “for fiscal year 2003” each place it appears and  
6 inserting “for each of the fiscal years 2003  
7 through 2005”; and

8 (B) by adding at the end the following new  
9 paragraph:

10 “(3) RESEARCH.—To carry out the purposes of  
11 section 112A, there are authorized to be appro-  
12 priated to the President \$300,000 for fiscal year  
13 2004 and \$300,000 for fiscal year 2005.”;

14 (6) in subsection (f), by adding at the end be-  
15 fore the period the following: “and \$10,000,000 for  
16 each of the fiscal years 2004 and 2005”; and

17 (7) by adding at the end the following new sub-  
18 section:

19 “(g) LIMITATION ON USE OF FUNDS.—

20 “(1) RESTRICTION ON PROGRAMS.—No funds  
21 made available to carry out this division, or any  
22 amendment made by this division, may be used to  
23 promote, support, or advocate the legalization or  
24 practice of prostitution. Nothing in the preceding  
25 sentence shall be construed to preclude assistance

1 designed to promote the purposes of this Act by  
2 ameliorating the suffering of, or health risks to, vic-  
3 tims while they are being trafficked or after they are  
4 out of the situation that resulted from such victims  
5 being trafficked.

6 “(2) RESTRICTION ON ORGANIZATIONS.—No  
7 funds made available to carry out this division, or  
8 any amendment made by this division, may be used  
9 to implement any program that targets victims of se-  
10 vere forms of trafficking in persons described in sec-  
11 tion 103(8)(A) of this Act through any organization  
12 that has not stated in either a grant application, a  
13 grant agreement, or both, that it does not promote,  
14 support, or advocate the legalization or practice of  
15 prostitution. The preceding sentence shall not apply  
16 to organizations that provide services to individuals  
17 solely after they are no longer engaged in activities  
18 that resulted from such victims being trafficked.”.

19 **SEC. 8. TECHNICAL CORRECTIONS.**

20 (a) IMMIGRATION AND NATIONALITY ACT.—

21 (1) CLASSES OF NONIMMIGRANT ALIENS.—Sec-  
22 tion 101(a)(15) of the Immigration and Nationality  
23 Act (8 U.S.C. 1101(a)(15)) is amended—

24 (A) by moving the margins of subpara-  
25 graphs (T) and (U) 2 ems to the left;

1 (B) in subparagraph (T), by striking  
2 “214(n),” and inserting “214(o),”;

3 (C) in subparagraph (U), by striking  
4 “214(o),” and inserting “214(p),”; and

5 (D) in subparagraph (V), by striking  
6 “214(o),” and inserting “214(q),”.

7 (2) CLASSES OF ALIENS INELIGIBLE FOR VISAS  
8 AND ADMISSION.—Section 212(d) of the Immigra-  
9 tion and Nationality Act (8 U.S.C. 1182(d)) is  
10 amended by redesignating the paragraph (13) added  
11 by section 1513(e) of the Battered Immigrant  
12 Women Protection Act of 2000 (title V of division  
13 B of Public Law 106–386; 114 Stat. 1536) as para-  
14 graph (14).

15 (3) ADMISSION OF NONIMMIGRANTS.—Section  
16 214 of the Immigration and Nationality Act (8  
17 U.S.C. 1184) is amended by redesignating sub-  
18 sections (m) (as added by section 105 of Public Law  
19 106–313), (n) (as added by section 107(e) of Public  
20 Law 106–386), (o) (as added by section 1513(e) of  
21 Public Law 106–386), (o) (as added by section  
22 1102(b) of the Legal Immigration Family Equity  
23 Act), and (p) (as added by section 1503(b) of the  
24 Legal Immigration Family Equity Act) as sub-  
25 sections (n), (o), (p), (q), and (r), respectively.

1           (4) ADJUSTMENT OF STATUS OF NON-  
2 IMMIGRANTS.—Section 245 of the Immigration and  
3 Nationality Act (8 U.S.C. 1255) is amended—

4           (A) in the subsection (l) added by section  
5 107(f) of Public Law 106–386, by redesignig-  
6 nating the second paragraph (2), and para-  
7 graphs (3) and (4), as paragraphs (3), (4), and  
8 (5), respectively; and

9           (B) by redesignating the subsection (l)  
10 added by section 1513(f) of Public Law 106–  
11 386 as subsection (m).

12       (b) TRAFFICKING VICTIMS PROTECTION ACT OF  
13 2000.—(1) Section 103(7)(A)(i) of the Trafficking Vic-  
14 tims Protection Act of 2000 (22 U.S.C. 7102(7)(A)(i)) is  
15 amended by inserting after “part II of that Act” the fol-  
16 lowing: “in support of programs of nongovernmental orga-  
17 nizations”.

18       (2) Section 107(g) of the Trafficking Victims Protec-  
19 tion Act of 2000 (22 U.S.C. 7105(g)) is amended by strik-  
20 ing “214(n)(1)” and inserting “214(o)(2)”.

○