

115TH CONGRESS
1ST SESSION

H. R. 466

To amend the Trafficking Victims Protection Act of 2000 relating to determinations with respect to efforts of foreign countries to reduce demand for commercial sex acts under the minimum standards for the elimination of trafficking.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2017

Mr. HULTGREN (for himself, Mr. SMITH of New Jersey, Mr. MOONEY of West Virginia, Mr. PITTENGER, Mr. GUTHRIE, Mr. WALBERG, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Trafficking Victims Protection Act of 2000 relating to determinations with respect to efforts of foreign countries to reduce demand for commercial sex acts under the minimum standards for the elimination 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.**

4 This Act may be cited as the “Sex Trafficking De-
5 mand Reduction Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) It has been the longstanding position of the
4 United States to reduce the demand for sex traf-
5 ficking victims. There is also a wide international
6 consensus on the necessity of demand reduction in
7 order to prevent human trafficking.

8 (2) The United Nations Protocol to Prevent,
9 Suppress and Punish Trafficking in Persons, Espe-
10 cially Women and Children, Supplementing the
11 United Nations Convention Against Transnational
12 Organized Crime of 2000 (also referred to as the
13 “Palermo Protocol(s)”) expressly addresses the re-
14 quirement that nations make serious efforts to re-
15 duce demand for trafficked persons.

16 (3) Article nine, addressing prevention of
17 human trafficking specifically directs that, “States
18 Parties shall adopt or strengthen legislative or other
19 measures, such as educational, social or cultural
20 measures, including through bilateral and multilat-
21 eral cooperation, to discourage the demand that fos-
22 ters all forms of exploitation of persons, especially
23 women and children, that leads to trafficking.”.

24 (4) The United Nations Protocol, the Europe
25 Convention on Action against Human Trafficking,
26 and the 2011 European Union Directive of the Eu-

1 ropean Parliament and the Council on preventing
2 and combating trafficking in human beings, also
3 specifically address the need to prevent human traf-
4 ficking by reducing demand for trafficking victims.

5 (5) Research has shown that legal prostitution
6 increases the demand for prostituted persons and
7 thus increases the market for sex. As a result, there
8 is a significant increase in instances of human traf-
9 ficking.

10 (6) In 2012 researchers Seo-Young Cho, Axel
11 Dreher, and Eric Neumayer published their findings
12 that demonstrated “the scale effect of legalizing
13 prostitution leads to an expansion of the prostitution
14 market and thus an increase in human trafficking,
15 while the substitution effect reduces demand for
16 trafficked prostitutes by favoring prostitutes who
17 have legal residence in a country”.

18 (7) In 2005 Di Nicola and others provided de-
19 scriptive statistics focusing on 11 European Union
20 countries. According to their results, stricter pros-
21 titution laws are correlated with reduced flows of
22 human trafficking.

23 (8) Researchers Niklas Jakobsson and Andreas
24 Kotsadam found a casual link between legal pros-
25 titution and increases in human trafficking.

1 Jakobsson and Kotsadam found that trafficking of
 2 persons for commercial sexual exploitation is least
 3 prevalent in countries where prostitution is illegal
 4 and most prevalent in countries where prostitution is
 5 legalized.

6 (9) Further data has demonstrated the correla-
 7 tion between the adoption of legislation that crim-
 8 inalizes demand and reductions in sex trafficking
 9 victims.

10 **SEC. 3. AMENDMENT RELATING TO DETERMINATIONS**
 11 **WITH RESPECT TO EFFORTS OF FOREIGN**
 12 **COUNTRIES TO REDUCE DEMAND FOR COM-**
 13 **MERCIAL SEX ACTS UNDER THE MINIMUM**
 14 **STANDARDS FOR THE ELIMINATION OF TRAF-**
 15 **FICKING.**

16 (a) IN GENERAL.—Section 108 of the Trafficking
 17 Victims Protection Act of 2000 (22 U.S.C. 7106) is
 18 amended by adding at the end the following new sub-
 19 section:

20 “(c) CRITERIA WITH RESPECT TO COMMERCIAL SEX
 21 ACTS.—In determinations under subsection (b)(12)(A), if
 22 the government of the country has the authority to pro-
 23 hibit the purchase of commercial sex acts and fails to do
 24 so, such failure to prohibit the purchase of commercial sex
 25 acts shall be deemed to be a failure on the part of the

1 government to make serious and sustained efforts to re-
2 duce the demand for commercial sex acts, notwithstanding
3 other efforts made by the government to reduce the de-
4 mand for commercial sex acts.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) takes effect on the date of the enactment
7 of this Act and applies with respect to determinations
8 under subsection (b)(12)(A) of section 108 of the Traf-
9 ficking Victims Protection Act of 2000 that are made on
10 or after such date of enactment.

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