

Short Title of 2023 Amendment note set out under section 7101 of this title] or amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.”

§ 7104. Prevention of trafficking

(a) Economic alternatives to prevent and deter trafficking

The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

- (1) microcredit lending programs, training in business development, skills training, and job counseling;
- (2) programs to promote women’s participation in economic decisionmaking;
- (3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;
- (4) development of educational curricula regarding the dangers of trafficking; and
- (5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) Public awareness and information

(1) In general

The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(2) Grants to assist in the recognition of trafficking

(A) Definitions

In this paragraph:

(i) ESEA terms

The terms “elementary school”, “local educational agency”, “other staff”, and “secondary school” have the meanings given the terms in section 7801 of title 20.

(ii) High-intensity child sex trafficking area

The term “high-intensity child sex trafficking area” means a metropolitan area designated by the Director of the Federal Bureau of Investigation as having a high rate of children involved in sex trafficking.

(iii) Labor trafficking

The term “labor trafficking” means conduct described in section 7102(9)(B)¹ of this title.

(iv) School staff

The term “school staff” means teachers, nurses, school leaders and administrators,

and other staff at elementary schools and secondary schools.

(v) Sex trafficking

The term “sex trafficking” means the conduct described in section 7102(9)(A)¹ of this title.

(B) In general

The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Labor, may award grants to local educational agencies, in partnership with a nonprofit, nongovernmental agency, to establish, expand, and support programs—

- (i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking; and
- (ii) to provide age-appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking.

(C) Program requirements

Amounts awarded under this paragraph shall be used for—

(i) education regarding—

(I) avoiding becoming victims of labor trafficking and sex trafficking;

(II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;

(III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;

(IV) reporting requirements and procedures in accordance with applicable Federal and State law; and

(V) how to carry out activities authorized under subparagraph (A)(ii); and

(ii) a plan, developed and implemented in consultation with local law enforcement agencies, to ensure the safety of school staff and students reporting such trafficking.

(D) Priority

In awarding grants under this paragraph, the Secretary shall give priority to local educational agencies serving a high-intensity child sex trafficking area.

(c) Border interdiction

The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of

¹ See References in Text note below.

such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

(d) International media

The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

(e) Combating international sex tourism

(1) Development and dissemination of materials

The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

(2) Monitoring of compliance

The President shall monitor compliance with the requirements of paragraph (1).

(3) Feasibility report

Not later than 180 days after December 19, 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations.

(f) Consultation requirement

The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives and programs described in subsections (a) through (e).

(g) Termination of certain grants, contracts and cooperative agreements

The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, or take any of the other remedial actions authorized under section 7104b(c) of this title, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

- (1) severe forms of trafficking in persons;
- (2) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;
- (3) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or
- (4) acts that directly support or advance trafficking in persons, including the following acts:

(A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

(B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless—

(i) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

(ii) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

(C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

(D) Charging recruited employees placement or recruitment fees.

(E) Providing or arranging housing that fails to meet the host country housing and safety standards.

(h) Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance

The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.

(i) Additional measures to prevent and deter trafficking

The President shall establish and carry out programs to prevent and deter trafficking in persons, including—

(1) technical assistance and other support to improve the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information, in the native languages of the major immigrant groups of such populations, regarding the rights of such popu-

lations in the foreign country and local in-country nongovernmental organization-operated hotlines;

(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that—

(A) foreign migrant workers are provided the same protection as nationals of the foreign country;

(B) labor recruitment firms are regulated; and

(C) workers providing domestic services in households are provided protection under labor rights laws; and

(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.

(j) Prevention of child trafficking through child marriage

The Secretary of State shall establish and implement a multi-year, multi-sectoral strategy—

(1) to prevent child marriage;

(2) to promote the empowerment of girls at risk of child marriage in developing countries;

(3) that should address the unique needs, vulnerabilities, and potential of girls younger than 18 years of age in developing countries;

(4) that targets areas in developing countries with high prevalence of child marriage; and

(5) that includes diplomatic and programmatic initiatives.

(k) Agency action to prevent funding of human trafficking

(1) In general

At the end of each fiscal year, the Secretary of State, the Secretary of Labor, the Administrator of the United States Agency for International Development, and the Director of the Office of Management and Budget shall each submit a report to the Administrator of General Services that includes—

(A) the name and contact information of the individual within the agency's Office of Legal Counsel or Office of Acquisition Policy who is responsible for overseeing the implementation of—

(i) subsection (g);

(ii) title XVII of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104a et seq.); and

(iii) any regulation in the Federal Acquisition Regulation (48 C.F.R. 1 et seq.) that is related to any subject matter referred to in clause (i) or (ii);

(B) agency action to ensure that contractors are educated on the applicable laws and regulations listed in subparagraph (A);

(C) agency action to ensure that the acquisition workforce and agency officials understand implementation of the laws and regulations listed in subparagraph (A), including best practices for—

(i) ensuring compliance with such laws and regulations;

(ii) assessing the serious, repeated, willful, or pervasive nature of any violation of such laws or regulations; and

(iii) evaluating steps contractors have taken to correct any such violation;

(D)(i) the number of contracts containing language referring to the laws and regulations listed in subparagraph (A); and

(ii) the number of contracts that did not contain any language referring to such laws and regulations;

(E)(i) the number of allegations of severe forms of trafficking in persons received; and

(ii) the source type of the allegation (such as contractor, subcontractor, employee of contractor or subcontractor, or an individual outside of the contract);

(F)(i) the number of such allegations investigated by the agency;

(ii) a summary of any findings from such investigations; and

(iii) any improvements recommended by the agency to prevent such conduct from recurring;

(G)(i) the number of such allegations referred to the Attorney General for prosecution under section 3271 of title 18; and

(ii) the outcomes of such referrals;

(H) any remedial action taken as a result of such investigation, including whether—

(i) a contractor or subcontractor (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or

(ii) a contract was terminated pursuant to subsection (g) as a result of such violation;

(I) any other assistance offered to agency contractors to ensure compliance with a law or regulation relating to severe forms of trafficking in persons;

(J) any interagency meetings or data sharing regarding suspended or disbarred contractors or subcontractors (at any tier) for severe forms of trafficking in persons; and

(K) any contract with a contractor or subcontractor (at any tier) located outside the United States and the country location, where safe to reveal location, for each such contractor or subcontractor.

(2) Appropriate congressional committees

In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs of the House of Representatives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Education and the Workforce of the House of Representatives;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Oversight and Government Reform of the House of Representatives;

(F) the Committee on Foreign Relations of the Senate;

(G) the Committee on Armed Services of the Senate;

(H) the Committee on the Judiciary of the Senate; and

(I) the Committee on Health, Education, Labor, and Pensions of the Senate.

(I) Information regarding human trafficking-related visa denials

(1) In general

The Secretary of State shall ensure that the Office to Monitor and Combat Trafficking in Persons and the Bureau of Diplomatic Security of the Department of State receive timely and regular information regarding United States visa denials based, in whole or in part, on grounds related to human trafficking.

(2) Decisions regarding allocation

The Secretary of State shall ensure that decisions regarding the allocation of resources of the Department of State related to combating human trafficking and to law enforcement presence at United States diplomatic and consular posts appropriately take into account—

(A) the information described in paragraph (1); and

(B) the information included in the most recent report submitted in accordance with section 7107(b) of this title.

(Pub. L. 106–386, div. A, §106, Oct. 28, 2000, 114 Stat. 1474; Pub. L. 108–193, §3, Dec. 19, 2003, 117 Stat. 2875; Pub. L. 109–164, title I, §101(a), title II, §201(b), Jan. 10, 2006, 119 Stat. 3560, 3569; Pub. L. 110–457, title I, §§101(a), 112, Jan. 8, 2008, 122 Stat. 5046; Pub. L. 112–239, div. A, title XVII, §1702, Jan. 2, 2013, 126 Stat. 2093; Pub. L. 113–4, title XII, §1207(a), Mar. 7, 2013, 127 Stat. 141; Pub. L. 115–425, title I, §§101(a), 112, Jan. 8, 2019, 132 Stat. 5473, 5476; Pub. L. 115–427, §4, Jan. 9, 2019, 132 Stat. 5504; Pub. L. 116–283, div. A, title XII, §1299R(d)(1), Jan. 1, 2021, 134 Stat. 4027.)

Editorial Notes

REFERENCES IN TEXT

Section 7102(9) of this title, referred to in subsec. (b)(2)(A)(iii), (v), was redesignated section 7102(11) of this title by Pub. L. 115–427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

Title XVII of the National Defense Authorization Act for Fiscal Year 2013, referred to in subsec. (k)(1)(A)(ii), is title XVII of div. A of Pub. L. 112–239, Jan. 2, 2013, 126 Stat. 2092. For complete classification of title XVII to the Code, see Tables.

AMENDMENTS

2021—Subsec. (I). Pub. L. 116–283 added subsec. (I).

2019—Subsec. (b). Pub. L. 115–425, §101(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (g)(1) to (4). Pub. L. 115–427, §4(1), redesignated cls. (i) to (iv) as pars. (1) to (4), respectively, and realigned margins.

Subsec. (g)(4)(A). Pub. L. 115–427, §4(2)(A), redesignated subcl. (I) as subpar. (A) and realigned margins.

Subsec. (g)(4)(B). Pub. L. 115–427, §4(2)(A), (B), redesignated subcl. (II) as subpar. (B), realigned margins, and redesignated items (aa) and (bb) as cls. (i) and (ii), respectively, and realigned margins.

Subsec. (g)(4)(C). Pub. L. 115–427, §4(2)(A), redesignated subcl. (III) as subpar. (C) and realigned margins.

Subsec. (g)(4)(D). Pub. L. 115–427, §4(2)(A), (C), redesignated subcl. (IV) as subpar. (D), realigned margins, and substituted “placement or recruitment fees.” for “unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.”

Subsec. (g)(4)(E). Pub. L. 115–427, §4(2)(A), redesignated subcl. (V) as subpar. (E) and realigned margins.

Subsec. (k). Pub. L. 115–425, §112, added subsec. (k).

2013—Subsec. (g). Pub. L. 112–239 substituted “or take any of the other remedial actions authorized under section 7104b(c) of this title, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—” and cls. (i) to (iv) for “without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.”

Subsec. (j). Pub. L. 113–4 added subsec. (j).

2008—Subsec. (i). Pub. L. 110–457 added subsec. (i).

2006—Subsec. (g). Pub. L. 109–164, §201(b), struck out designation and heading of par. (1) before “The President shall”, “described in paragraph (2)” after “under which funds”, and heading and text of par. (2). Text of par. (2) read as follows: “Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity abroad funded under major functional budget category 150 (relating to international affairs).”

Subsec. (h). Pub. L. 109–164, §101(a), added subsec. (h).

2003—Subsecs. (c) to (f). Pub. L. 108–193, §3(a), added subsecs. (c) to (e), redesignated former subsec. (c) as (f), and in subsec. (f) substituted “initiatives and programs described in subsections (a) through (e)” for “initiatives described in subsections (a) and (b)”.

Subsec. (g). Pub. L. 108–193, §3(b), added subsec. (g).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2013 AMENDMENT

Requirements of amendment by Pub. L. 112–239 applicable to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after Jan. 2, 2013, and to task and delivery orders awarded on or after Jan. 2, 2013, pursuant to contracts entered before, on, or after such date, see section 7104d(c)(1)(B) of this title.

ANNUAL REPORTS TO CONGRESS ON HUMAN TRAFFICKING-RELATED VISA DENIALS

Pub. L. 116–283, div. A, title XII, §1299R(e), (f), Jan. 1, 2021, 134 Stat. 4028, provided that:

“(e) REPORTS TO CONGRESS.—

“(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of State shall provide to the relevant congressional committees a report that—

“(A) describes the actions that have been taken and that are planned to implement subsection (I) of section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104), as added by subsection (d)(1); and

“(B) identifies by country and by United States diplomatic or consular post the number of visa applications denied during the previous calendar year with respect to which the basis for such denial, included grounds related to human trafficking (as such term is defined in section 103 of the Traf-

ficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by subsection (d)(2)).

“(2) ANNUAL REPORT.—Beginning with the first annual anti-trafficking report that is required under subsection (b)(1) of section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) to be submitted after the date of the enactment of this Act, and concurrent with each such subsequent submission for the following 7 years, the Secretary of State shall submit to the relevant congressional committees a report that contains information relating to the number and the locations of United States visa denials based, in whole or in part, on grounds related to human trafficking (as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by subsection (d)(2)) during the period covered by each such annual anti-trafficking report.

“(f) DEFINITIONS.—In this section:

“(1) LOCATION OF UNITED STATES VISA DENIALS.—The term ‘location of United States visa denials’ means—

“(A) the United States diplomatic or consular post at which a denied United States visa application was adjudicated; and

“(B) the city or locality of residence of the applicant whose visa application was so denied.

“(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means—

“(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.”

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see section 5 of Ex. Ord. No. 13257, Feb. 13, 2002, 67 F.R. 7259, as amended, set out as a note under section 7103 of this title.

§ 7104a. Compliance plan and certification requirement

(a) Requirement

The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 7104(g) of this title, as amended by section 1702, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 7104(g) of this title and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) Limitation

Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size

and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) Disclosure

The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) Guidance

The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(Pub. L. 112-239, div. A, title XVII, §1703, Jan. 2, 2013, 126 Stat. 2094.)

Editorial Notes

REFERENCES IN TEXT

Section 7104(g) of this title, as amended by section 1702, referred to in subsec. (a)(1), means section 7104(g) of this title, as amended by section 1702 of Pub. L. 112-239.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Trafficking Victims Protection Act of 2000 which comprises this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of section applicable to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after Jan. 2, 2013, and to task and delivery orders awarded on or after Jan. 2, 2013, pursuant to contracts entered before, on, or after such date, see section 7104d(c)(1)(B) of this title.

DEFINITIONS

Pub. L. 112-239, div. A, title XVII, §1701, Jan. 2, 2013, 126 Stat. 2092, provided that: “In this title [title XVII (§§1701-1708) of div. A of Pub. L. 112-239, enacting this section and sections 7104b to 7104d of this title, amending sections 7103 and 7104 of this title, section 1351 of Title 18, Crimes and Criminal Procedure, and section 2313 of Title 41, Public Contracts, and enacting provisions set out as a note under section 1101 of Title 8, Aliens and Nationality]:

“(1) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given the term in section 133 of title 41, United States Code.

“(2) SUBCONTRACTOR.—The term ‘subcontractor’ means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

“(3) SUBGRANTEE.—The term ‘subgrantee’ means a recipient of a grant at any tier under a grant or cooperative agreement.

“(4) UNITED STATES.—The term ‘United States’ has the meaning provided in section 103(12) [now 103(15)] of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12) [now 7102(15)]).”